

Selected docket entries for case 19–2077

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Filed	Document Description	Page	Docket Text
10/02/2019	<u>2</u> Petition for writ of mandamus filed	2	Petition for writ of mandamus filed by Brian David Hill. [19–2077] JSN
10/02/2019	<u>3</u> Informal appendix	23	INFORMAL APPENDIX by Brian David Hill. [19–2077] JSN
10/02/2019			IFP–APPLICATION to proceed in forma pauperis (FRAP 24)(court access only) by Brian David Hill. [19–2077] JSN
10/02/2019	<u>5</u> MOTION	91	MOTION by Brian David Hill for stay pending appeal. Date and method of service: 09/30/2019 US mail. [1000599804] [19–2077] JSN
10/03/2019	<u>1</u>	112	Case docketed. Originating case number: 1:13–cr–00435–TDS–1. Case manager: JeffNeal. [19–2077] JSN
10/03/2019	<u>6</u>	113	DOCKETING NOTICE issued Re: [<u>2</u>] Motion for writ of mandamus. Originating case number: 1:13–cr–00435–TDS–1. Mailed to: Brian Hill. [19–2077] JSN
10/03/2019	<u>7</u>	118	ORDER filed [1000599983] granting Motion to proceed in forma pauperis [<u>4</u>]. Copies to all parties. Mailed to: Brian Hill. [19–2077] JSN
10/15/2019	<u>8</u> MOTION	119	MOTION by Brian David Hill to dismiss appeal pursuant to FRAP 42(b) [<u>8</u>]. Date and method of service: 10/10/2019 US mail. [1000607515] [19–2077] JSN
10/17/2019	<u>9</u>	123	ORDER filed granting Motion to dismiss appeal pursuant to FRAP 42(b) [<u>8</u>]. Copies to all parties. Mailed to: Brian Hill. [1000608403] [19–2077] JSN

**In the United States Court of Appeals
For the Fourth Circuit**

**In re BRIAN DAVID HILL, in
his individual capacity as former
news reporter of USWGO
Alternative News
Petitioner**

v.

**United States of America,
Respondent**

No. _____

[No. 1:13-CR-435-1]

**PETITION FOR A WRIT OF MANDAMUS TO THE UNITED STATES
DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH
CAROLINA AND MOTION FOR STAY OF DISTRICT COURT
JUDGMENT PENDING MANDAMUS OR UNTIL FINAL APPEAL
MANDATE**

Brian David Hill ("USWGO")

Pro Se Petitioner

(276) 790-3505
310 Forest Street, Apartment 1
Martinsville, Virginia 24112

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U.S. COURT OF APPEALS
FOURTH CIRCUIT

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INTRODUCTION AND SUMMARY OF ARGUMENT

In this extraordinary case, the U.S. Probation Office filed a charge under Document #157 against Petitioner alleging a violation of the Supervised Release conditions (JA 1). Due to ineffective assistance of Counsel Renorda Pryor, the Final Revocation hearing was scheduled for September 12, 2019, despite the ongoing Trial De Novo state appeal going on for the charge of indecent exposure as stated in JA 1. Then the court revoked the Supervised Release of Petitioner and entered an order for Judgment and Commitment, was appealed the same day as judgment but the district court has yet to file a Judgment and Commitment after over two weeks of waiting. This stalling may be an attempt to deprive Petitioner of procedural due process before demanding that he turn himself into Federal prison in order to usurp power of Petitioner's constitutional right to trial de novo and a speedy trial. JA stands for Joint Appendix.

Docket entry (JA 2) (pages 3-15 were omitted as it may not be relevant to the substantial issues raised in this petition) had stated that an oral order was entered on September 12, 2019, finding the Petitioner in violation of his Supervised Release conditions, to be ordered to the maximum imprisonment sentence as permitted by law, no evidence or witnesses was even considered in Petitioner's favor, and an Notice of Interlocutory Appeal was entered before the hearing for Final Revocation (JA 3) due to counsel being ineffective by being unable to file an extension or another continuance after the state Trial De Novo was rescheduled. The Interlocutory Appeal had explained not to have the Final Revocation hearing while the state appeal is still ongoing and that attempting to revoke the Supervised Release and imprison Petitioner while the state Trial-De-Novo case is still pending is an error of law as it is depriving Petitioner of the constitutional right of due

process, the right to a speedy trial, and the right to show the Revocation Court that he is actually innocent of Virginia Criminal Code § 18.2-37, a Class 1 Misdemeanor. Brian had filed a "DECLARATION entitled "June 21, 2019 Declaration of Brian David Hill in Opposition to Government's/Respondent's Documents #156, #157, and #158" filed by BRIAN DAVID HILL." (JA 4). Brian had forewarned the Court that he had case law from the Commonwealth/State of Virginia explaining that he may be actually innocent of the charge of indecent exposure under the issues of Carbon Monoxide Gas Poisoning and three case laws. In all three cases the convictions of indecent exposure were reversed when the conduct did not rise to being obscene, because "it does not rise to the level of obscenity required under Code § 18.2-387, as defined in Code § 18.2-372." 1. Kimberly F. Neice v. Commonwealth of Virginia, Record No. 1477-09-3 in the Circuit Court of Giles County; 2. A.M. v. Commonwealth of Virginia, Record No. 1150-12-4 in the Circuit Court of Shenandoah County; 3. Kenneth Samuel Moses v. Commonwealth of Virginia, Record No. 0985-03-3 in the Circuit Court of Richmond. See pages 9-10 of Joint Appendix 4 (JA 4). It is clear that Brian cannot be convicted of indecent exposure unless he was being sexually aroused or intended to exhibit sexual misconduct which did not happen on the record. Nude beaches and nudism is not considered obscene. It is not sexual and nudity itself does not require a person to be sexual unless they are of the perverted mind.

Nudism/Nudity may be protected by the First Amendment and may not be subject to local obscenity laws or ordinances. The depiction of adults or children nude in the visual media or photographs has enjoyed constitutional protection in the United States since 1958, when the Supreme Court vacated a Court of Appeals finding that Sunshine & Health magazine could be obscene (*Sunshine Book Co. v. Summerfield*, Postmaster General, 355 U.S. 372). The right to depict adults or

children in innocent nude poses has been upheld without a pause for 41 years. In case after case, the Supreme Court and lower courts have always upheld the constitutionality of "nudity without more," specifically referring to the nudist depiction as a fully constitutional form of expression. The supposed violation was that Petitioner was only naked and took photos of himself naked that are not obscene.

It is clear that Brian David Hill Petitioner is legally innocent of indecent exposure and deserves the speedy trial right of Trial-De-Novo to prove his actual innocence in the Commonwealth/State of Virginia before the Federal Court should have made a decision on whether to revoke Petitioner's Supervised Release or continue his Supervised Release and not find the Petitioner in violation.

Actual innocence should not be punishable by any means including imprisonment (even through revocation) because it is cruel and unusual punishment under the Eighth Amendment of the United States Constitution, Bill of Rights.

Anyways, Petitioner had also, that same day, filed a Notice of Appeal (JA 5) after the Final Supervised Release Violation hearing and was timely filed on the same day as the oral judgment that was given. Counsel Renorda Pryor had delivered Petitioner's Notice of Appeal at his request and had been effective in that regard.

On September 20, 2019, the Court of Appeals had notified the U.S. District Court Clerk (JA 6) requesting that the Court notify them upon the entry of the written judgment. Petitioner was told by the Circuit Court Clerk's office that it was a reminder to the Court for the Judge to enter his written judgment.

As of September 29 or 30, 2019, no written judgment has been entered. This may or may not be an intentional delay of Petitioner's Appeal because the Honorable Judge Thomas D. Schroeder had ordered Brian David Hill to turn himself into the

Federal Prison Institution under the Federal Bureau of Prisons by December 6, 2019, giving the Petitioner little to no time to have a chance to prevail on Appeal before having to turn himself in to a Federal Prison facility. It is clear on the record that Petitioner had not violated his bond conditions (JA 7) as set forth by the Western District of Virginia for this case in the Middle District of North Carolina.

If the Honorable Thomas D. Schroeder may be intentionally delaying/stalling the entering of his written judgment to stall or obstruct Petitioner's ability to appeal his judgment to the Fourth Circuit Court of Appeals knowing that Petitioner will have to voluntarily surrender to a Federal Prison at a fixed date of December 6, 2019, knowing that Petitioner may prevail on Appeal, is obstruction/deprivation of Petitioner's procedural due process rights and violation of proper constitutional and judicial procedures to block an appeal at the district court level after being informed that Petitioner has only 14 days to file a timely Notice of Appeal. That Appeal was filed as timely as possible, right on the same day as the oral judgment.

Mandamus is a necessary safety valve in the extraordinary situation here, where a district court in the Middle District of North Carolina has insisted on usurping power and authority over jurisdiction in the state case of Commonwealth of Virginia v. Brian David Hill (Case no. CR19000009-00). The U.S. District Court has asserted that Petitioner is guilty of indecent exposure, ignored Petitioner's actual innocence arguments and claims, and is overpowering the State trial de novo before Petitioner can even be found legally innocent of indecent exposure which is actual innocence. Any reasonable jurists would recognize this usurpation as a cause for concern over usurping power to obstruct or interfere with a criminal Defendant's right to due process in the state court while Trial De Novo and any pending appeals is still ongoing. The Western District of Virginia had recognized that Brian David Hill had "the right to Trial De Novo", under the Hon. U.S.

Magistrate Judge Robert S. Ballou of Roanoke, VA. See Documents #3 and #5 of case United States v. Hill (7:18-mj-00149), Western District of Virginia.

Petitioner therefore respectfully asks that this Court exercise its supervisory authority to direct the district court to file it's written judgment of the oral order entered on September 12, 2019 to quickly open up the case for a timely direct appeal, because there is no other adequate means to obtain immediate appeal of the written order necessary to prosecute appeal for relief against the "Judgment and Commitment Order" demanding that Brian David Hill turn himself into Federal prison and usurp Petitioner's due process right to a speedy trial and right to Trial De Novo in his state case. The separation-of-powers and the Tenth Amendment of the United States Constitution gives states the right to have their own separate process of Government while holding the State Governmental authorities to the Constitution. A state criminal trial is given the same due process protections as with federal criminal trials. Unless the circumstances make it necessary and is constitutionally necessary, the Federal Court should not usurp power away from a criminal defendant to enjoy and exercise his right to a speedy trial, the right to appeal Trial De Novo, and the right to prove that he was legally innocent of indecent exposure before the Final Revocation hearing and issues of violation should be addressed thereafter to preserve Petitioner's entitled constitutional rights. There are no issues involving Petitioner's compliance with the federal and state bonds. Petitioner should not be compelled to turn himself into a Federal Prison until his state appeals had been exhausted and his timely Notice of Appeal for this Circuit Court to also be exhausted. That is why the direct appeal needs to be docketed, but the district court has not filed the written Judgment and it has been over two weeks since the bench verdict of the hearing on September 12, 2019.

Pursuant to 28 U.S.C. § 1651 and Federal Rule of Appellate Procedure 21, the Petitioner Brian David Hill of USWGO Alternative News respectfully requests that this Court issue a writ of mandamus directing the district court to enter an order requesting that the Hon. Judge Thomas D. Schroeder put in the written Judgment for Petitioner's appeal to finally be docketed and that request for relief can ensure due process protections for Petitioner. In addition, Petitioner respectfully requests that this Court promptly stay enforcement of the district court's oral Judgment until disposition of this petition or even after the mandate after disposition of Petitioner's timely filed appeal.

Pursuant to Federal and Local Rules of Appellate Procedure Rule 8(a)(2)(A)(i), Petitioner requests that the Court of Appeals consider Petitioner's motion for Stay of Judgment Pending Appeal (JA 8) since the "*moving first in the district court would be impracticable*" because Petitioner is still out on the release conditions as set forth by the Western District of Virginia and is also on State Bond conditions pending the final appeals of the state criminal case in the Martinsville Circuit Court in Virginia (Case no. CR19000009-00). The Hon. Judge Thomas D. Schroeder was made aware of Petitioner's state criminal appeal under Trial De Novo, but his Judgment of imprisonment interferes with Petitioner's speedy trial rights in the state court, wrongfully usurps power away from the state criminal court proceedings, and supersedes that Brian must surrender to Federal Prison to prevent him from timely filing any further appeals in his criminal case for the Commonwealth/State of Virginia when Trial De Novo and any higher appeals may be necessary in order for Petitioner to be found actually innocent (legally innocent) of his State charge of indecent exposure. Because the Federal Imprisonment order conflicts with the State appeal and Trial De Novo, this motion needs to be acted upon more quickly to protect Petitioner's right to dispose of his state case and all

pending appeals before having to turn himself into a Federal Prison or be afforded a new Final Revocation hearing upon prevailing on appeal.

A party seeking mandamus must demonstrate that it has a “clear and indisputable” right, there are “no other adequate means” of relief, and the writ is otherwise “appropriate under the circumstances.” *Cheney v. United States Dist. Court for D.C.*, 542 U.S. 367, 380-81 (2004).

If there is no time limit set for the Hon. Judge Thomas D. Schroeder to file his written judgment on the Supervised Release Violation of Petitioner, then Petitioner is blocked and deprived from appealing the decision of the United States District Court for the Middle District of North Carolina after filing a timely Notice of Appeal.

STATEMENT OF FACTS

In November 13, 2018, the U.S. Probation Office had filed a petition to revoke Petitioner’s Supervised Release over the allegation that Brian David Hill had engaged in criminal conduct that had violated the Virginia Code § 18.2-387 “Indecent exposure”, and had been arrested on September 21, 2018. To Petitioner’s knowledge, this is the first Supervised Release Violation that had been filed based upon an alleged technical violation of state law, even though the state court may rule that Petitioner is legally innocent of indecent exposure because his conduct was not obscene and was not sexual in nature. When this charge was filed, Petitioner had no knowledge of carbon monoxide gas poisoning until 2019. If carbon monoxide gas poisoning had anything to do with the alleged violation, then it further justifies that Petitioner had no intent to violate state law and the U.S. District Court should have investigated this issue before the revocation order.

The U.S. Probation Office had also filed Documents #156 and #158 on November 13, 2018.

Petitioner had filed a lot of Documents attempting to explain to the U.S. District Court why he was allegedly arrested for the state charge. Pro Se filings cumulatively under Documents #152, #153, #154, #155, #161, #162, #163, #164, #165, #169, #172, #173, #174, #178, #179, and #181. Those docket entries should be listed under Joint Appendix 2 of the case Docket report.

On July 22, 2019, Renorda Pryor, the counsel of Brian David Hill at the time, filed a Motion to Continue Revocation of Supervised Release Hearing and was granted by the district court a day later and was rescheduled to September 12, 2019.

Renorda had failed to file another Motion to Continue and neither a Motion to Extend the Time to file any motions relevant and necessary to the final hearing regarding "Revocation of Supervised Release". For the reasons she did not do so is unclear but deprives Petitioner of his constitutional due process right to a speedy trial in the state court, his right to Trial De Novo concerning the very charge that led to Petitioner's arrest which also triggered the Supervised Release Violation charge under Document #157 (JA 1).

Minute order was entered on September 12, 2019 hearing:

Minute Entry for proceedings held before CHIEF JUDGE THOMAS D. SCHROEDER in WS-2:FINAL HEARING RE REVOCATION OF SUPERVISED RELEASE as to BRIAN DAVID HILL held on 9/12/2019. AUSA Anand Ramaswamy present for the Government. Attorney Renorda Pryor present for the Defendant. Defendant present on bond. Defendant moves for a continuance. Government opposes the motion. Court DENIES motion. Defendant denies violation 1 of 157 Petition. Matter is contested (see Witness and Exhibit List) The Court finds the defendant in violation and Supervised Release is revoked. The defendant is REMANDED to the Bureau of Prisons for 9 months, followed by 9 years of Supervised Release (see Judgment and Commitment). Defendant

permitted to self-report directly to the institution designated by the BOP or to the USMS in Greensboro, NC by 12:00 PM on 12/6/2019. Defendant's Release Conditions modified to include GPS location monitoring to begin within 7 days and a curfew at the probation officer's discretion.(Court Reporter Briana Bell.) (Engle, Anita) Modified on 9/13/2019 to correct typographical error. (Engle, Anita) (Entered: 09/12/2019)

On September 12, 2019, Notice of Interlocutory Appeal was filed before the hearing had even begun to protect Petitioner's right to state Trial De Novo criminal proceedings, right to a Speedy trial, right to be found actually innocent to prevent cruel and unusual punishment, and any other due process rights prior to the Final Revocation hearing. Government objected to that Notice of Interlocutory Appeal and the hearing had begun while ignoring the Notice of Interlocutory Appeal to the Fourth Circuit to raise the substantial constitutional issues involving due process.

Renorda Pryor had also orally asked for a continuance but had failed because of the subpoenaed witnesses and the cost of having them appear at the hearing. That again was ineffective counsel as Renorda Pryor knew she should have asked for a continuance earlier than the actual hearing date of September 12, 2019.

Notice of Appeal had been filed after the hearing on the same day which explains why two Notice of Appeals had been docketed and filed on the same day.

The appeal that had been filed should have caused the written judgment to be filed shortly thereafter but the Court still has not and has been over two weeks. If any further weeks go by without the written judgment, then the district court may be attempting to block the appeal or control the ability to have the appeal docketed and may be a judicial activism by resistance to the Court of Appeals to prevent any favorable ruling that may impact the district court's decision on September 12, 2019.

ARGUMENT

An appellate court has the power under 28 U.S.C. § 1651(a) to issue a writ of mandamus directing the conduct of a district court where (1) the petitioner has a “clear and indisputable” right to relief; (2) there are “no other adequate means to attain the relief”; and (3) mandamus relief is otherwise “appropriate under the circumstances.” *Cheney v. United States Dist. Court for D.C.*, 542 U.S. 367, 380-81 (2004).

The district court should have quickly filed the Judgment and Commitment Order since the direct appeal may be the only available mechanism to overturn a wrongful judgment, a judgment that was based on any errors of law. The longer the district court does not enter a written judgement, the less of a chance at Petitioner can prevail on appeal before being imprisoned wrongfully and serving an invalid sentence because the district court will take its time in entering the very same written judgment ordering Petitioner’s imprisonment on September 12, 2019.

The district court cannot validly argue an excuse that it needed more time to prepare the Judgment and Commitment Order because a document had been filed on June 26, 2019 under Document #180, see Joint Appendix 9 (JA 9), before it was modified a day later. The original docket entry showed that the Hon. Judge Thomas D. Schroeder had originally planned to revoke Petitioner’s Supervised Release and order his imprisonment based on the hearing that would have taken place on August 9, 2019. The Court of Appeals should view the original filing on the record if the Court CM/ECF system has a revision history system where original documents can still be located despite any replaced documents or modified documents. The originally filed Document #180 on the record was likely a premeditated imprisonment order based on a future hearing that hadn’t even

happened yet. That alone may prove that the district court had planned to revoke his Supervised Release no matter what evidence or witnesses were offered and presented at the revocation hearing because the Judge had already made up his mind that Petitioner will go to Federal Prison no matter what. That is even more dangerous than usurping power away from the state trial court and Trial De Novo in the state court. This is constitutional structural defect and is very dangerous in a democratic republic type of Government. If the district court already had the time and energy to file a premeditated Document #180 ordering the imprisonment of Brian David Hill (Petitioner) based upon a future court hearing, why didn't they enter the Judgment and Commitment Order sooner than two or three weeks when the district court had ordered the imprisonment of Petitioner against his state appeal still pending before Martinsville Circuit Court over the very charge that triggered the Supervised Release Violation. If Petitioner is found actually innocent aka legally innocent of his state charge, then the Federal Court is willing to punish and imprison an innocent man once again while ignoring Petitioner's 2255 Motion (See Document #125 and #128 in the criminal case) that was filed since November, 2017. Petitioner is repeatedly being punished over and over again in a retaliation campaign against his claims of actual innocence. Petitioner's constitutional rights have been deprived so many times in the district court, Petitioner does not know what else to do except ask the media for help or asking attorneys to help him pro bono but to no avail because of the subject matter of his original criminal charge in Federal Court. People do not want to fight for a supposed "child pornographer" even if that person is actually innocent of that charge, because of the societal ramifications and reputation ramifications of helping somebody accused of such charge, it is unfair. All Petitioner has is his Pro Se filings and his court appointed counsels who also does not seem to care about his constitutional rights being deprived over and over again.

In short, only “exceptional circumstances amounting to a judicial ‘usurpation of power’” or a “clear abuse of discretion” will “justify the invocation of this extraordinary remedy.” *Id.* at 380; accord, e.g., *In re Catawba Indian Tribe of S.C.*, 973 F.2d 1133, 1136 (4th Cir. 1992). Although the standard for mandamus is, and should be, a high one, it is satisfied in the extraordinary circumstances presented here.

I. THIS COURT SHOULD ISSUE A WRIT OF MANDAMUS DIRECTING THE DISTRICT COURT TO ENTER ITS WRITTEN JUDGEMENT FOR IMMEDIATE APPELLATE REVIEW

If the Petitioner has a “clear and indisputable right” to appeal that was timely filed but the appeal is to be stalled indefinitely until the district court ever decides to file the written judgment, the other two elements for mandamus plainly are satisfied: There is “no other adequate means to attain the relief” of immediate appeal. *Cheney*, 542 U.S. at 380. And this is a manifestly “appropriate” circumstance for mandamus relief because proceeding to stall the appeal indefinitely “would threaten the separation of powers” and Tenth Amendment right between the state and the federal courts as well as threaten the due process rights of Petitioner.

Accordingly, the sole remaining question is whether the Petitioner has a “clear and indisputable right” to direct appeal of the district court when the appeal was timely filed but is indefinitely awaiting a written judgment, the “Judgment and Commitment Order”.

As demonstrated below, in these “exceptional circumstances,” he is entitled to mandamus to obtain that written judgment: although a district court has the ability and right to ensure that the written judgment is entered correctly and should exercise enough time reasonable to enter in a valid “Judgment and Commitment

Order” for the appeal to be docketed, if the court is stalling the entering of it’s written order then the court may be committing such a “clear abuse of discretion” that its stalling of a criminal appeal necessary for relief against any constitutional error of law for retention of jurisdiction in the Middle District of North Carolina indefinitely to prevent the appeal from proceeding amounts to “a judicial ‘usurpation of power.’”

Because the statutory “preconditions for § 1292(b) review” are indisputably satisfied in this case, which additionally “involves an important constitutional legal question” and “is of special consequence,” the district court “should not [have] hesitate[d] to file the written judgment to commence the timely appeal.”

The court’s refusal to file the written judgment as soon as possible after ordering imprisonment over a possibly actually innocent person but the state court has to confirm Petitioner’s actual innocence is such a clear abuse of discretion, error of law and is a usurpation of jurisdiction that it warrants an exercise of this Court’s mandamus authority.

CONCLUSION

This Court should issue a writ of mandamus directing the district court to immediately file the written judgment within a fixed time period concerning the oral Judgment on September 12, 2019 concerning the wrongful imprisonment of Petitioner and violating Petitioner’s right to direct appeal and Petitioner’s right to state Trial De Novo. Additionally, this Court should stay district court proceedings or judgments, pending resolution of this petition.

Respectfully filed with the Court, this the 30th day of September, 2019.

Respectfully submitted,

Brian D. Hill
Signed

Signed

Brian D. Hill (Pro Se)

310 Forest Street, Apartment 1

Martinsville, Virginia 24112

Phone #: (276) 790-3505

U.S.W.G.O.

Former U.S.W.G.O. Alternative News reporter

I stand with QANON/Donald-Trump – Drain the Swamp

I ask Qanon and Donald John Trump for Help (S.O.S.)

Make America Great Again

Petitioner also requests with the Court that a copy of this pleading be served upon the Government as stated in 28 U.S.C. § 1915(d), that “The officers of the court shall issue and serve all process, and preform all duties in such cases. Witnesses shall attend as in other cases, and the same remedies shall be available as are provided for by law in other cases”. Petitioner requests that copies be served with the U.S. Attorney office of Greensboro, NC via CM/ECF Notice of Electronic Filing ("NEF") email, by facsimile if the Government consents, or upon U.S. Mail.

Thank You!

However the Petitioner will still serve copies of this pleading with the (1) U.S. Attorney Office of Greensboro, NC, the (2) U.S. District Court in Greensboro, NC to file with the Clerk of the Court to put on the record and then serve the paper copy with the trial judge the Hon. Thomas D. Schroeder.

CERTIFICATE OF SERVICE

Petitioner hereby certifies that on September 30, 2019, service was made by mailing the original of the foregoing:

“PETITION FOR A WRIT OF MANDAMUS TO THE UNITED STATES
DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

AND MOTION FOR STAY OF DISTRICT COURT JUDGMENT PENDING
MANDAMUS OR UNTIL FINAL APPEAL MANDATE”

by deposit in the United States Post Office, in an envelope (certified mail), Postage prepaid, on September 30, 2019 addressed to the Clerk of the Court in the United States Court of Appeals for the Fourth Circuit, 1100 East Main Street, Suite 501, Richmond, VA 23219.

Copy (1) of the original pleading has been served with the party of the United States of America through the United States Attorney office located at 101 South Edgeworth Street, 4th Floor, Greensboro, NC 27401. That shall satisfy requirement of service. Proof of service by stamped Certified Mail receipt shall serve as proof to satisfy the rules of the Court. Since Petitioner is indigent and does not have a lot of money to be printing too many copies of costly paper filings, Petitioner is serving a copy of this pleading on a CD-ROM with the entire pleading in PDF format. Cert. Mail tracking no. 7019-1120-0001-4751-4795

Copy (2) of the original pleading has been served with the Clerk of the United States District Court for the Middle District of North Carolina to request filing on the record and then serve the copy of the paper pleading with the trial judge the Honorable Thomas D. Schroeder. The Clerk's office is located at 324 West Market Street, Greensboro, NC 27401. That shall satisfy requirement of service. Proof of service by stamped Certified Mail receipt shall serve as proof to satisfy the rules of the Court. Cert. Mail tracking no. 7019-1120-0001-4751-4788

Then pursuant to 28 U.S.C. §1915(d), Petitioner requests that the Clerk of the Court move to electronically file the foregoing using the CM/ECF system which will send notification of such filing to the following parties to be served in this action:

Anand Prakash Ramaswamy U.S. Attorney Office 101 South Edgeworth Street, 4th Floor, Greensboro, NC 27401 Anand.Ramaswamy@usdoj.gov	Angela Hewlett Miller U.S. Attorney Office 101 South Edgeworth Street, 4th Floor, Greensboro, NC 27401 angela.miller@usdoj.gov
JOHN M. ALSUP U.S. Attorney Office 101 South Edgeworth Street, 4th Floor, Greensboro, NC 27401 john.alsup@usdoj.gov	

This is pursuant to Petitioner's "In forma Pauperis" ("IFP") status, 28 U.S.C. §1915(d) that "The officers of the court shall issue and serve all process, and perform all duties in such cases ... "the Clerk shall serve process via CM/ECF to serve process with all parties.

<p>Date of signing:</p> <p><u>September 30, 2019</u></p>	<p>Respectfully submitted,</p> <p><u>Brian D. Hill</u></p> <p><i>Signed</i> Signed</p> <p>Brian D. Hill (Pro Se)</p> <p>310 Forest Street, Apartment 1</p> <p>Martinsville, Virginia 24112</p> <p>Phone #: (276) 790-3505</p> <p>U.S.W.G.O.</p> <p>I stand with QANON/Donald-Trump – Drain the Swamp</p> <p>I ask Qanon and Donald John Trump for Assistance (S.O.S.)</p> <p>Make America Great Again</p> <p>JusticeForUSWGO.wordpress.com</p>
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UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
Effective 12/01/2016

No. _____ **Caption:** In re BRIAN DAVID HILL (Writ of Mandamus)

CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMIT
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Type-Volume Limit for Briefs: Appellant's Opening Brief, Appellee's Response Brief, and Appellant's Response/Reply Brief may not exceed 13,000 words or 1,300 lines. Appellee's Opening/Response Brief may not exceed 15,300 words or 1,500 lines. A Reply or Amicus Brief may not exceed 6,500 words or 650 lines. Amicus Brief in support of an Opening/Response Brief may not exceed 7,650 words. Amicus Brief filed during consideration of petition for rehearing may not exceed 2,600 words. Counsel may rely on the word or line count of the word processing program used to prepare the document. The word-processing program must be set to include headings, footnotes, and quotes in the count. Line count is used only with monospaced type. See Fed. R. App. P. 28.1(e), 29(a)(5), 32(a)(7)(B) & 32(f).

Type-Volume Limit for Other Documents if Produced Using a Computer: Petition for permission to appeal and a motion or response thereto may not exceed 5,200 words. Reply to a motion may not exceed 2,600 words. Petition for writ of mandamus or prohibition or other extraordinary writ may not exceed 7,800 words. Petition for rehearing or rehearing en banc may not exceed 3,900 words. Fed. R. App. P. 5(c)(1), 21(d), 27(d)(2), 35(b)(2) & 40(b)(1).

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(s) Brian D. Hill
Signed

Party Name Brian David Hill

Dated: Sept. 30, 2019

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 Petitioner

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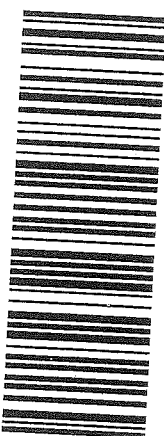
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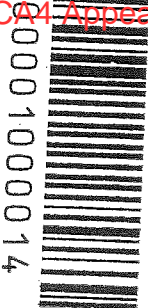
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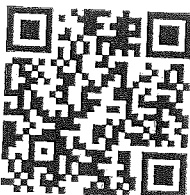
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Joint Appendix 1

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UNITED STATES DISTRICT COURT CASE NO. 1:13-CR-435-1
MIDDLE DISTRICT OF NORTH CAROLINA

Join Appendix in attachment to "PETITION FOR A WRIT OF MANDAMUS TO THE
UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH
CAROLINA AND MOTION FOR STAY OF DISTRICT COURT JUDGMENT
PENDING MANDAMUS OR UNTIL FINAL APPEAL MANDATE"

PROB 12C
11/03

**UNITED STATES DISTRICT COURT
for the
Middle District of North Carolina**

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: BRIAN DAVID HILL Case Number: 1:13CR435-1
Name of Sentencing Judicial Officer: The Honorable William L. Osteen, Jr.
Date of Original Sentence: November 10, 2014
Original Offense: Possession of Child Pornography in violation of 18 U.S.C. § 2252(A)(a)(5)(B) and (b)(2).
Original Sentence: Custody of the Bureau of Prisons for 10 months and 20 days, but not less than time served, followed by 10 years supervised release.
April 29, 2015: Modification suspending mandatory drug testing was filed.
June 30, 2015: Supervised release violation hearing before the Honorable Thomas D. Schroeder. Supervised release was continued with the additional special conditions of six (6) months home incarceration and participation in a Cognitive Behavioral Therapy program.
September 4, 2015: Report of Offender Under Supervision was filed.

Type of Supervision: Supervised Release Date Supervision Commenced: November 13, 2014
Date Supervision Expires: November 12, 2024

Assistant U.S. Attorney: Anand Prakash Ramaswamy Defense Attorney: John Scott Coalter

PETITIONING THE COURT

- [X] To issue a warrant. For compelling reasons, this petition and Warrant shall remain sealed until the Warrant is executed. The Clerk shall provide a copy of the petition and Warrant to the U.S. Attorney's Office and the United States Marshal Office.
[] To issue a summons

The probation officer believes that Mr. Hill has violated the following condition(s) of supervision:

Violation 1 - The defendant shall not commit another federal, state or local crime.

On September 21, 2018, Mr. Hill was arrested by the Martinsville Police Department in Martinsville, VA for Misdemeanor Indecent Exposure. The offense date was September 21, 2018. Mr. Hill remains without bond at the Martinsville City Jail as of the date of this report. Mr. Hill's next scheduled court date is December 21, 2018.

According to the police report, on the night of September 21, 2018, a report was received that a nude male had been observed running on a public park trail within the city limits. Officers responded and made contact with the male, later identified as Mr. Hill. Mr. Hill ran away from the officers and was shortly thereafter detained near a creek. Mr. Hill advised the officers that a "black man in a hoodie" made Mr. Hill

RE: Brian David Hill

2

"get naked and take pictures of himself." Mr. Hill was in possession of a camera which he voluntarily allowed the officers to examine. The camera contained several nude photographs of Mr. Hill in different locations around the city of Martinsville. Following an examination at a local hospital, Mr. Hill was medically and psychologically cleared. Mr. Hill was subsequently arrested for Indecent Exposure, in violation of Virginia Criminal Code § 18.2-37, a Class 1 Misdemeanor.

U.S. Probation Officer Recommendation:

- ☒ The term of supervision should be
 ☒ revoked.
 ☐ extended for years, for a total term of years.
- ☐ The conditions of supervision should be modified as follows:

I declare under penalty of perjury that the forgoing is true and correct.

Executed on November 6, 2018



Kevin M. Alligood
U.S. Probation Officer Specialist

Approved by:



Edward R. Cameron
Supervisory U.S. Probation Officer

November 12, 2018

Date

Joint Appendix 2

USWGO
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MAKE AMERICA GREAT AGAIN



UNITED STATES DISTRICT COURT CASE NO. 1:13-CR-435-1
MIDDLE DISTRICT OF NORTH CAROLINA

Join Appendix in attachment to "PETITION FOR A WRIT OF MANDAMUS TO THE
UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH
CAROLINA AND MOTION FOR STAY OF DISTRICT COURT JUDGMENT
PENDING MANDAMUS OR UNTIL FINAL APPEAL MANDATE"

APPEAL,CASREF,CLOSED

**U.S. District Court
North Carolina Middle District (NCMD)
CRIMINAL DOCKET FOR CASE #: 1:13-cr-00435-TDS-1**

Case title: USA v. HILL

Related Case: 1:17-cv-01036-TDS-JLW

Date Filed: 11/25/2013

Date Terminated: 11/12/2014

Assigned to: JUDGE THOMAS
D. SCHROEDER

Appeals court case number:
15-4057

Defendant (1)

BRIAN DAVID HILL
TERMINATED: 11/12/2014

represented by **BRIAN DAVID HILL**
310 FOREST STREET
APARTMENT 1
MARTINSVILLE, VA 24112
PRO SE

ERIC D. PLACKE
OFFICE OF FEDERAL PUBLIC DEFENDER
301 N. ELM ST., STE. 410
GREENSBORO, NC 27401
336-333-5455
Fax: 336-333-5463
Email: Eric.Placke@fd.org
TERMINATED: 09/30/2014
LEAD ATTORNEY
*Designation: Public Defender or Community
Defender Appointment*

JOHN SCOTT COALTER
COALTER LAW, PLLC
910 NORTH ELM STREET
GREENSBORO, NC 27401
336-549-5386
Email: scott@greensborolawyers.com
TERMINATED: 11/12/2014
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

RENORDA E. PRYOR
HERRING LAW CENTER
1821 HILLANDALE ROAD, STE. 1B-220
DURHAM, NC 27705
919-355-5001
Email: rpryor@herringlawcenter.net
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Pending Counts

18:2252A(a)(5)(B) and (b)(2)
Possess child pornography of a
prepubescent minor under 12
years of age
(1)

Disposition

Ten (10) months and twenty (20) days
imprisonment, but not less than time served; ten (10)
years supervised release; \$100.00 special assessment

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition**Highest Offense Level
(Terminated)**

None

Complaints

None

Disposition**Plaintiff**

USA

represented by **ANAND PRAKASH RAMASWAMY**
 U. S. ATTORNEY'S OFFICE
 101 S. EDGEWORTH ST., 4TH FLOOR
 GREENSBORO, NC 27401
 336-333-5351
 Fax: 336-333-5381
 Email: anand.ramaswamy@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

ANGELA HEWLETT MILLER
 OFFICE OF U. S. ATTORNEY
 101 South Edgeworth Street, Fourth Floor
 GREENSBORO, NC 27401
 336-333-5351
 Email: angela.miller@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: United States Attorney

JOHN M. ALSUP
 U. S. ATTORNEY'S OFFICE
 101 S. EDGEWORTH ST., 4TH FLOOR
 GREENSBORO, NC 27401
 336-332-6331
 Fax: 336-333-5381
 Email: john.alsup@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
11/25/2013	<u>1</u>	INDICTMENT as to BRIAN DAVID HILL (1) count(s) 1. (Daniel, J) (Entered: 11/26/2013)
11/26/2013	<u>2</u>	ARREST Warrant Issued in case as to BRIAN DAVID HILL. (Daniel, J) (Entered: 11/26/2013)
12/23/2013		Arrest of BRIAN DAVID HILL on 12/23/2013. (Starr, Logan) (Entered: 12/23/2013)
12/23/2013		Attorney update in case as to BRIAN DAVID HILL. Attorney ERIC D. PLACKE for BRIAN DAVID HILL added. (Starr, Logan) (Entered: 12/23/2013)

		by USA as to BRIAN DAVID HILL re <u>144</u> MOTION for Leave to File Replies due by 4/9/2018 (RAMASWAMY, ANAND) (Entered: 03/23/2018)
03/23/2018	<u>149</u>	MEMORANDUM by USA as to BRIAN DAVID HILL re <u>144</u> MOTION for Leave to File filed by BRIAN DAVID HILL (Attachments: # <u>1</u> Supplement, # <u>2</u> Supplement, # <u>3</u> Supplement, # <u>4</u> Supplement)(RAMASWAMY, ANAND) (Entered: 03/23/2018)
04/06/2018	<u>150</u>	REPLY TO RESPONSE to <u>144</u> MOTION for Leave to File entitled "Petitioner's Response Brief in Opposition to "Government's Response to "Motion and Brief for Leave to File Additional Evidence" and Government's Motion for Pre-Filing Injunction" (Document # <u>148</u>) and "Memorandum in support of Government's Motion for Pre-Filing Injunction" (Document # <u>149</u>)" filed by BRIAN DAVID HILL. (Attachments: # <u>1</u> Supplement 1, # <u>2</u> Supplement 2, # <u>3</u> Supplement 3, # <u>4</u> Envelope – Front and Back) (Civil Case number: 17CV1036) (Garland, Leah) (Entered: 04/09/2018)
04/10/2018		Motion Referred to MAG/JUDGE JOE L. WEBSTER RE: <u>144</u> MOTION entitled "Petitioner's Motion and Brief for Leave to File Additional Evidence." (1:17CV1036) (Engle, Anita) (Entered: 04/10/2018)
06/25/2018	<u>151</u>	MOTION entitled "Petitioner's Motion for requesting Psychological/Psychiatric Evaluation to Determine actual Innocence factor under False Confession element and to resolve the controversy/conflict between Government and Petitioner over "Delusional Disorder" filed by BRIAN DAVID HILL. Response to Motion due by 7/17/2018. (Attachments: # <u>1</u> Supplement 1, # <u>2</u> Supplement 2, # <u>3</u> Supplement 3, # <u>4</u> Supplement 4, # <u>5</u> Envelope – Front and Back) (Garland, Leah) (Entered: 06/26/2018)
06/27/2018		Motion Referred to MAG/JUDGE JOE L. WEBSTER RE: <u>151</u> MOTION entitled "Petitioner's Motion for requesting Psychological/Psychiatric Evaluation to Determine actual Innocence factor under False Confession element and to resolve the controversy/conflict between Government and Petitioner over "Delusional Disorder." (Engle, Anita) (Entered: 06/27/2018)
10/03/2018	<u>152</u>	STATUS REPORT by BRIAN DAVID HILL. Civil Case 1:17CV1036. (Attachments: # <u>1</u> Envelope – Front and Back)(Taylor, Abby) (Entered: 10/03/2018)
10/17/2018	<u>153</u>	MOTION to Appoint Attorney and STATUS REPORT filed by BRIAN DAVID HILL. (Attachments: # <u>1</u> Envelope – Front and Back) (Garland, Leah) (Entered: 10/18/2018)
10/19/2018		Motion Referred to MAG/JUDGE JOE L. WEBSTER RE: <u>153</u> MOTION to Appoint Attorney and STATUS REPORT filed by BRIAN DAVID HILL. (1:17cv1036) (Engle, Anita) (Entered: 10/19/2018)
10/24/2018	<u>154</u>	MOTION entitled "Petitioner asks Court to continue Supervised Release" filed by BRIAN DAVID HILL. Response to Motion due by 11/16/2018. (Attachments: # <u>1</u> Envelope – Front and Back) (Garland, Leah) (Entered: 10/24/2018)
10/25/2018		Motion Submission to CHIEF JUDGE THOMAS D. SCHROEDER as to BRIAN DAVID HILL re <u>154</u> MOTION entitled "Petitioner asks Court to continue Supervised Release." (Engle, Anita) (Entered: 10/25/2018)
10/29/2018	<u>155</u>	STATUS REPORT entitled "October 25, 2018 Status Report" filed by BRIAN DAVID HILL. (Attachments: # <u>1</u> Envelope – Front and Back) (Garland, Leah) (Entered: 10/29/2018)
11/13/2018	<u>156</u>	SEALED Statement of Reasons as to BRIAN DAVID HILL. (Bailey, Jeanne) (Entered: 11/13/2018)
11/13/2018	<u>157</u>	USPO PROB 12C – Offender Under Supervision as to BRIAN DAVID HILL. (Bailey, Jeanne) Modified on 5/15/2019 to unseal. (Daniel, J) (Entered: 11/13/2018)
11/13/2018	<u>158</u>	SEALED USPO PROB 12C – Supplement Report as to BRIAN DAVID HILL (Attachments: # <u>1</u> Memo to Clerk) (Bailey, Jeanne) (Entered: 11/13/2018)
11/13/2018		Case Referred to CHIEF JUDGE THOMAS D. SCHROEDER as to BRIAN DAVID HILL, RE: <u>157</u> SEALED USPO PROB 12C – Offender Under Supervision and <u>158</u> SEALED USPO PROB 12C – Supplement Report. (Engle, Anita) (Entered: 11/13/2018)

11/13/2018	<u>159</u>	ORDER FOR WARRANT as to BRIAN DAVID HILL. Signed by CHIEF JUDGE THOMAS D. SCHROEDER on 11/13/2018. (Daniel, J) Modified on 5/15/2019 to unseal. (Daniel, J) (Entered: 11/13/2018)
11/14/2018	<u>160</u>	Warrant Issued SRV as to BRIAN DAVID HILL. (Daniel, J) Modified on 5/15/2019 to unseal. (Daniel, J) (Entered: 11/14/2018)
11/29/2018	<u>161</u>	DECLARATION entitled "November 28, 2018 Status Report and Declaration of Brian David Hill in support of Doc. # <u>125</u> , # <u>128</u> " filed by BRIAN DAVID HILL. (Attachments: # <u>1</u> Envelope – Front and Back) (Garland, Leah) (Entered: 11/30/2018)
11/30/2018	<u>162</u>	NOTICE entitled "Status Report of Brian David Hill – November 27, 2018" filed by BRIAN DAVID HILL. (Attachments: # <u>1</u> Envelope – Front and Back) (Civil Case number: 17CV1036) (Garland, Leah) (Entered: 11/30/2018)
12/12/2018	<u>163</u>	DECLARATION of BRIAN DAVID HILL filed by BRIAN DAVID HILL. (Attachments: # <u>1</u> Envelope – Front and Back) (Garland, Leah) (Entered: 12/12/2018)
12/13/2018	<u>164</u>	AMENDED DECLARATION of BRIAN DAVID HILL entitled "Declaration of Brian David Hill in support of continuing Supervised Release, towards innocence of case" filed by BRIAN DAVID HILL. (Attachments: # <u>1</u> Envelope – Front and Back)(Garland, Leah) (Entered: 12/13/2018)
12/21/2018	<u>165</u>	MOTION to Dismiss (Entitled: Motion for Summary Judgment or Case Dismissal of Supervised Release Violation) by BRIAN DAVID HILL. Response to Motion due by 1/9/2019. Civil Case 1:17CV1036. (Attachments: # <u>1</u> Envelope – Front and Back)(Taylor, Abby) (Entered: 12/26/2018)
12/24/2018		Arrest of BRIAN DAVID HILL in the WESTERN DISTRICT OF VIRGINIA. (Daniel, J) (Entered: 05/15/2019)
12/27/2018		Motion No Longer Submitted to CHIEF JUDGE THOMAS D. SCHROEDER: <u>154</u> MOTION entitled "Petitioner asks Court to continue Supervised Release" filed by BRIAN DAVID HILL. (Engle, Anita) (Entered: 12/27/2018)
12/27/2018		Motions Referred to MAG/JUDGE JOE L. WEBSTER RE: <u>165</u> MOTION to Dismiss, (Entitled: Motion for Summary Judgment or Case Dismissal of Supervised Release Violation), and <u>154</u> MOTION entitled "Petitioner asks Court to continue Supervised Release" filed by BRIAN DAVID HILL. (Engle, Anita) (Entered: 12/27/2018)
01/09/2019	<u>166</u>	NOTICE OF CHANGE OF ADDRESS filed by BRIAN DAVID HILL. Address updated on docket sheet. (Attachments: # <u>1</u> Envelope – Front and Back) (Garland, Leah) (Entered: 01/09/2019)
01/17/2019	<u>167</u>	NOTICE OF CHANGE OF ADDRESS filed by BRIAN DAVID HILL. Address updated on docket sheet. (Attachments: # <u>1</u> Envelope – Front and Back) (Garland, Leah) (Entered: 01/17/2019)
01/24/2019	<u>168</u>	LETTER MOTION for Certified Copies filed by BRIAN DAVID HILL. Response to Motion due by 2/14/2019. (Attachments: # <u>1</u> Envelope – Front and Back) (Garland, Leah) (Entered: 01/24/2019)
01/25/2019		Motion Referred to MAG/JUDGE JOE L. WEBSTER RE: <u>168</u> LETTER MOTION for Certified Copies filed by BRIAN DAVID HILL. (Engle, Anita) (Entered: 01/25/2019)
01/30/2019	<u>169</u>	MOTION for Hearing and for Appointment for Counsel filed by BRIAN DAVID HILL. Responses due by 2/20/2019. (Attachments: # <u>1</u> Envelope – Front and Back) (Garland, Leah) (Entered: 01/30/2019)
01/30/2019		Motion Referred to MAG/JUDGE JOE L. WEBSTER RE: <u>169</u> MOTION for Hearing and for Appointment for Counsel filed by BRIAN DAVID HILL. (1:17CV1036) (Engle, Anita) (Entered: 01/30/2019)
03/01/2019	<u>170</u>	EXHIBIT to <u>125</u> MOTION to Vacate, Set Aside or Correct Sentence (pursuant to 28 U.S.C. 2255), by BRIAN DAVID HILL. (Attachments: # <u>1</u> Envelope – Front and Back) (Civil Case number: 17CV1036) (Garland, Leah) (Entered: 03/04/2019)

03/13/2019	<u>171</u>	BRIEF/MEMORANDUM entitled "Brief/Memorandum of Law on Rule 11 Plea in support of 2255 Motion (Doc. # <u>125</u>) and 2255 Brief (Doc. # <u>128</u>)" filed by BRIAN DAVID HILL to <u>128</u> Memorandum, <u>125</u> Motion to Vacate/Set Aside/Correct Sentence (2255) filed by BRIAN DAVID HILL. (Attachments: # <u>1</u> Supplement 1, # <u>2</u> Supplement 2, # <u>3</u> Supplement 3, # <u>4</u> Supplement 4, # <u>5</u> Envelope – Front and Back) (Civil Case number: 17CV1036) (Garland, Leah) (Entered: 03/13/2019)
03/28/2019	<u>172</u>	DECLARATION entitled "Declaration of Brian David Hill in opposition to charge under documents <u>156</u> , <u>157</u> , and <u>158</u> " filed by BRIAN DAVID HILL. (Attachments: # <u>1</u> Envelope – Front and Back) (Garland, Leah) (Entered: 03/28/2019)
04/11/2019	<u>173</u>	DECLARATION entitled "Declaration of Brian David Hill in Opposition to Government's Documents <u>156</u> , <u>157</u> , and <u>158</u> " filed by BRIAN DAVID HILL. (Attachments: # <u>1</u> Envelope – Front and Back) (Garland, Leah) (Entered: 04/11/2019)
05/03/2019	<u>174</u>	DECLARATION of BRIAN DAVID HILL entitled "Declaration of Brian David Hill in Opposition to Government's charging documents # <u>156</u> , # <u>157</u> , and # <u>158</u> " filed by BRIAN DAVID HILL. (Attachments: # <u>1</u> Envelope – Front and Back) (Civil Case number: 17CV1036) (Garland, Leah) (Entered: 05/03/2019)
05/03/2019	<u>175</u>	NOTICE OF CHANGE OF ADDRESS filed by BRIAN DAVID HILL. Address updated on docket sheet. (Attachments: # <u>1</u> Envelope – Front and Back) (Civil Case number: 17CV1036) (Garland, Leah) (Entered: 05/03/2019)
05/15/2019	<u>176</u>	Rule 32.1 Documents Received from the WESTERN DISTRICT OF VIRGINIA as to BRIAN DAVID HILL. (Attachments: # <u>1</u> WDVA Competency/Detention Minutes, # <u>2</u> WDVA Order Setting Conditions of Release, # <u>3</u> WDVA Appearance Bond, # <u>4</u> WDVA Waiver of Rule 32.1 Hearings, # <u>5</u> WDVA Docket Sheet) (Daniel, J) Modified on 6/26/2019 to correct typo. (Engle, Anita) (Entered: 05/15/2019)
06/24/2019	<u>177</u>	NOTICE OF CHANGE OF ADDRESS filed by BRIAN DAVID HILL. Address updated on docket sheet. (Attachments: # <u>1</u> Envelope – Front and Back) (Civil Case number: 17CV1036) (Garland, Leah) (Entered: 06/25/2019)
06/24/2019	<u>178</u>	DECLARATION entitled "Evidence Declaration of Brian David Hill regarding State Pro Se Motion in Opposition to Government's/Respondent's Document #156, #157, and #158" filed by BRIAN DAVID HILL. (Attachments: # <u>1</u> Envelope – Front and Back) (Civil Case number: 17CV1036) (Garland, Leah) (Entered: 06/25/2019)
06/24/2019	<u>179</u>	DECLARATION entitled "June 21, 2019 Declaration of Brian David Hill in Opposition to Government's/Respondent's Documents #156, #157, and #158" filed by BRIAN DAVID HILL. (Attachments: # <u>1</u> Envelope – Front and Back) (Civil Case number: 17CV1036) (Garland, Leah) (Entered: 06/25/2019)
06/26/2019		Case Referred to MAGISTRATE JUDGE L. PATRICK AULD as to BRIAN DAVID HILL, RE: Appointment of Counsel. (Engle, Anita) (Entered: 06/26/2019)
06/26/2019		Attorney update in case as to BRIAN DAVID HILL. RENORDA E. PRYOR for BRIAN DAVID HILL added pending review of Financial Affidavit. (O'Doherty, Sinead) (Entered: 06/26/2019)
06/26/2019	<u>180</u>	NOTICE OF HEARING as to BRIAN DAVID HILL. Final Hearing re Revocation of Supervised Release set for 8/9/2019 at 02:00 PM in Winston-Salem Courtroom #2 before CHIEF JUDGE THOMAS D. SCHROEDER. (Engle, Anita) (Main Document 180 replaced on 6/27/2019) (Engle, Anita). (Entered: 06/26/2019)
06/26/2019		Attorney update in case as to BRIAN DAVID HILL. (Engle, Anita) (Entered: 06/26/2019)
07/22/2019	<u>181</u>	DECLARATION entitled "Evidence Declaration of Brian David Hill Regarding Carbon Monoxide and Letgter to Martinsville Police Chief in Opposition to Government's/Respondent's Documents # <u>156</u> , # <u>157</u> , # <u>158</u> , # <u>159</u> , and # <u>160</u> " filed by BRIAN DAVID HILL. (Attachments: # <u>1</u> Exhibit 0, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3, # <u>5</u> Exhibit 4, # <u>6</u> Exhibit 5, # <u>7</u> Exhibit 6, # <u>8</u> Exhibit 7, # <u>2</u> Exhibit 8, # <u>10</u> Exhibit 9, # <u>11</u> Exhibit 10, # <u>12</u> Envelope – Front and Back) (Garland, Leah) (Entered: 07/22/2019)

07/22/2019	<u>182</u>	MOTION to Continue <i>Revocation of Supervised Release Hearing</i> by BRIAN DAVID HILL. (Attachments: # <u>1</u> Text of Proposed Order)(PRYOR, RENORDA) (Entered: 07/22/2019)
07/23/2019		Motion Submission to CHIEF JUDGE THOMAS D. SCHROEDER as to BRIAN DAVID HILL re <u>182</u> MOTION to Continue <i>Revocation of Supervised Release Hearing</i> . (Engle, Anita) (Entered: 07/23/2019)
07/23/2019	<u>183</u>	ORDER as to BRIAN DAVID HILL signed by CHIEF JUDGE THOMAS D. SCHROEDER on 7/23/2019; that the Defendant's motion for a continuance is GRANTED, and the Defendant's supervised release violation hearing is rescheduled to September 12, 2019, at 2:00 p.m. in Courtroom 2 in Winston-Salem, North Carolina. (Sheets, Jamie) (Entered: 07/23/2019)
07/23/2019		Reset Hearings as to BRIAN DAVID HILL: Final Hearing re Revocation of Supervised Release set for 9/12/2019 at 02:00 PM in Winston-Salem Courtroom #2 before CHIEF JUDGE THOMAS D. SCHROEDER. (Sheets, Jamie) (Entered: 07/23/2019)
07/23/2019	<u>184</u>	NOTICE OF ATTORNEY APPEARANCE JOHN M. ALSUP appearing for USA. (ALSUP, JOHN) (Entered: 07/23/2019)
08/16/2019	<u>185</u>	SRV Arrest Warrant Returned Executed on 12/22/2018 in case as to BRIAN DAVID HILL. (Sheets, Jamie) (Entered: 08/16/2019)
09/12/2019	<u>186</u>	Minute Entry for proceedings held before CHIEF JUDGE THOMAS D. SCHROEDER in WS-2:FINAL HEARING RE REVOCATION OF SUPERVISED RELEASE as to BRIAN DAVID HILL held on 9/12/2019. AUSA Anand Ramaswamy present for the Government. Attorney Renorda Pryor present for the Defendant. Defendant present on bond. Defendant moves for a continuance. Government opposes the motion. Court DENIES motion. Defendant denies violation 1 of <u>157</u> Petition. Matter is contested (see Witness and Exhibit List) The Court finds the defendant in violation and Supervised Release is revoked. The defendant is REMANDED to the Bureau of Prisons for 9 months, followed by 9 years of Supervised Release (see Judgment and Commitment). Defendant permitted to self-report directly to the institution designated by the BOP or to the USMS in Greensboro, NC by 12:00 PM on 12/6/2019. Defendant's Release Conditions modified to include GPS location monitoring to begin within 7 days and a curfew at the probation officer's discretion.(Court Reporter Briana Bell.) (Engle, Anita) Modified on 9/13/2019 to correct typographical error. (Engle, Anita) (Entered: 09/12/2019)
09/12/2019	<u>187</u>	PRO SE NOTICE OF APPEAL (Interlocutory) by BRIAN DAVID HILL re <u>183</u> Order on Motion to Continue. (Attachments: # <u>1</u> Envelope - Front and Back)(Engle, Anita) (Entered: 09/12/2019)
09/12/2019	<u>188</u>	Exhibit Receipt Pursuant to Local Rule 79.4 for Exhibits from 9/12/2019 Supervised Release Violation Hearing. (Engle, Anita) (Entered: 09/12/2019)
09/12/2019	<u>189</u>	Exhibit Receipt Pursuant to Local Rule 79.4 for Exhibits from 6/30/2015 Supervised Release Violation Hearing. (Engle, Anita) (Entered: 09/12/2019)
09/12/2019	<u>190</u>	PRO SE NOTICE OF APPEAL without payment of fees by BRIAN DAVID HILL. (Attachments: # <u>1</u> Envelope - Front and Back)(Engle, Anita) (Entered: 09/12/2019)
09/13/2019	<u>191</u>	Electronic Transmission of Notice of Appeal and Docket Sheet as to BRIAN DAVID HILL to US Court of Appeals re: <u>187</u> Notice of Appeal - Interlocutory and <u>190</u> Notice of Appeal Without Fee Payment. (Daniel, J) (Entered: 09/13/2019)
09/18/2019	<u>192</u>	MOTION by BRIAN DAVID HILL for stay of judgment pending appeal and its supporting memorandum of law - emergency motion. Response due by 10/15/2019. (Attachments: # <u>1</u> Envelope - Front and Back) (Daniel, J) (Entered: 09/18/2019)
09/18/2019	<u>193</u>	DECLARATION of BRIAN DAVID HILL re: <u>192</u> Motion to Stay for stay of judgment pending appeal and its supporting memorandum of law - emergency motion. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Envelope - Front and Back) (Daniel, J) (Entered: 09/18/2019)

09/19/2019		Motion Submission to CHIEF JUDGE THOMAS D. SCHROEDER as to BRIAN DAVID HILL re <u>192</u> MOTION for stay of judgment pending appeal. (Engle, Anita) (Entered: 09/19/2019)
09/23/2019	<u>194</u>	REQUEST by BRIAN DAVID HILL for Transcript. Response due by 10/18/2019. (Attachments: # <u>1</u> CJA 24, # <u>2</u> Envelope – Front and Back) (Daniel, J) (Entered: 09/23/2019)
09/24/2019		Motion Referred to MAGISTRATE JUDGE JOE L. WEBSTER RE: <u>194</u> REQUEST for Transcript. (Engle, Anita) (Entered: 09/24/2019)

Joint Appendix 3

USWGO

QANON // DRAIN THE SWAMP
MAKE AMERICA GREAT AGAIN



UNITED STATES DISTRICT COURT CASE NO. 1:13-CR-435-1
MIDDLE DISTRICT OF NORTH CAROLINA

Join Appendix in attachment to "PETITION FOR A WRIT OF MANDAMUS TO THE
UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH
CAROLINA AND MOTION FOR STAY OF DISTRICT COURT JUDGMENT
PENDING MANDAMUS OR UNTIL FINAL APPEAL MANDATE"

In the United States District Court
For the Middle District of North Carolina

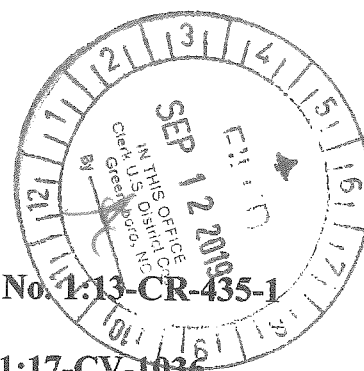
Brian David Hill,
Petitioner/Defendant

v.

United States of America,
Respondent/Plaintiff

Criminal Action No. 1:13-CR-435-1

Civil Action No. 1:17-CV-1036



EMERGENCY

PETITIONER'S NOTICE OF INTERLOCUTORY APPEAL

NOW COMES the Petitioner, by and through Brian David Hill ("Brian D. Hill"), "Petitioner", or "Hill"), that is acting pro se in this action before this Honorable Court in the Middle District of North Carolina, and hereby respectfully moves to file this notice of interlocutory appeal.

Notice is hereby given that Defendant/Petitioner Brian David Hill in the above named case hereby appeal to the United States Court of Appeals for the Fourth Circuit from an order (Document #183, "Order on Motion to Continue") entered in this action on July 23, 2019. Hill shall give a lawful excuse as to why such appeal was filed untimely.

*See Fed. R. App. P. 3(c) for permissible ways of identifying appellants.

Hill's lawful excuse for filing untimely (as of August 6, 2019) is of medical health issues. Hill has had to attend a lot of medical appointments including those mandated by Hill's federal bond conditions requiring him to attend mental health

1

appointments for Piedmont Community Services. Hill had also to attend a lot of legal appointments for his current ongoing state appeal in Martinsville Circuit Court Case # CR19000009-00. Hill had many appointments, some located in Roanoke, Virginia, causing Hill to have no ability to determine if filing such an appeal would be frivolous or worthy of attempting. Hill can provide an affidavit or any evidence of all such appointments to the court if requested by the Court. Hill also had appointments with social security, social services for his Medicaid, and other appointments that could not have been avoided to permit more time to file in a timely fashion.

Also this NOTICE OF APPEAL concerns the protection of the constitutional rights of Hill including his right to appeal in the state court before the final supervised release revocation hearing to protect his procedural due process right to a speedy trial. The final revocation hearing scheduled for September 12, 2019, at 2:00PM is an error of law and violates Hill's right to a speedy trial in his state court trial (case # CR19000009-00) and Hill's right to the appeal in the Martinsville Circuit Court in connection with the Supervised Release Violation ("SRV"). The hearing the day thereafter violates Brian's right to participate in his state criminal case appeal process, violates his speedy trial rights, violates his right to cross examine the witnesses in his state case, his right to prove that he is actually innocent (legally innocent) of his state charge which is cause for such SRV petition for revocation, and is a unconstitutional error of law and an abuse of discretion. This appeal needs to be accepted and filed to protect Hill's due process rights being deprived by the final SRV hearing that is scheduled for the next day. This state case concerns the actual innocence of Brian David Hill (case # CR19000009-00) and any attempt to revoke his supervised release over a state charge that Hill is actually innocent of is cruel and unusual punishment, creates a legal system that punishes probationers or

any criminal defendants for any charges that they are legally innocent of, and is in contradiction to Congress's intent when the United States Probation statute was created. Congress never intended to create Federal Probation with an intent to revoke probation of anybody accused of a crime that they are actually innocent of (legal innocence is actual innocence). This creates a precedent where any criminal defendant that makes any enemies within the Government or Law Enforcement could face harassment by fake criminal charges and then probation can be revoked based on fake or wrongful criminal charges. Congress never intended for Federal Probation to be used as a mechanism to revoke those who were accused of violating a federal, state, or local law but was actually innocent of such charge.

Respectfully filed with the Court, this the 12th day of September, 2019.

Respectfully submitted,

Brian D. Hill
Signed

Signed

Brian D. Hill (Pro Se)

310 Forest Street, Apartment 1

Martinsville, Virginia 24112

Phone #: (276) 790-3505

U.S.W.G.O.

Former U.S.W.G.O. Alternative News reporter

I stand with QANON/Donald-Trump – Drain the Swamp

Brian asks Donald Trump for a full pardon of innocence, asks Qanon for help

Make America Great Again

Petitioner also requests with the Court that a copy of this pleading be served upon the Government as stated in 28 U.S.C. § 1915(d), that "The officers of the court

shall issue and serve all process, and preform all duties in such cases. Witnesses shall attend as in other cases, and the same remedies shall be available as are provided for by law in other cases". Petitioner requests that copies be served with the U.S. Attorney office of Greensboro, NC via CM/ECF Notice of Electronic Filing ("NEF") email, by facsimile if the Government consents, or upon U.S. Mail.
Thank You!

CERTIFICATE OF SERVICE

Petitioner hereby certifies that on September 12, 2019, service was made by hand delivery of the original of the foregoing:

EMERGENCY "PETITIONER'S NOTICE OF INTERLOCUTORY APPEAL"

Addressed to the Clerk of the Court in the United States District Court for the Middle District of North Carolina, 251 N. Main Street, Winston-Salem, N.C. 27101.

Then pursuant to 28 U.S.C. §1915(d), Petitioner requests that the Clerk of the Court move to electronically file the foregoing using the CM/ECF system which will send notification of such filing to the following parties to be served in this action:

Anand Prakash Ramaswamy U.S. Attorney Office Civil Case # 1:17 -cv-1036 101 South Edgeworth Street, 4th Floor, Greensboro, NC 27401 Anand.Ramaswamy@usdoj.gov	Angela Hewlett Miller U.S. Attorney Office Civil Case # 1: 17 -cv-1036 101 South Edgeworth Street, 4th Floor, Greensboro, NC 27401 angela.miller@usdoj.gov
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This is pursuant to Petitioner's "In forma Pauperis" ("IFP") status, 28 U.S.C. §1915(d) that "The officers of the court shall issue and serve all process, and perform all duties in such cases ... "the Clerk shall serve process via CM/ECF to serve process with all parties.

<p>Date of signing:</p> <p><u>September 12, 2019</u></p>	<p>Respectfully submitted,</p> <p><u>Brian D. Hill</u></p> <p>Signed</p> <p>Signed</p> <p>Brian D. Hill (Pro Se)</p> <p>310 Forest Street, Apartment 1</p> <p>Martinsville, Virginia 24112</p> <p>Phone #: (276) 790-3505</p> <p>U.S.W.G.O.</p> <p>I stand with QANON/Donald-Trump – Drain the Swamp Make America Great Again</p>
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Qanon
S.O.S.
help me

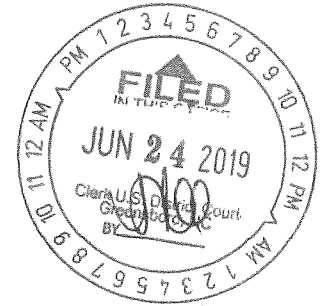
Joint Appendix 4

USWGO
QANON // DRAIN THE SWAMP
MAKE AMERICA GREAT AGAIN



UNITED STATES DISTRICT COURT CASE NO. 1:13-CR-435-1
MIDDLE DISTRICT OF NORTH CAROLINA

Join Appendix in attachment to "PETITION FOR A WRIT OF MANDAMUS TO THE
UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH
CAROLINA AND MOTION FOR STAY OF DISTRICT COURT JUDGMENT
PENDING MANDAMUS OR UNTIL FINAL APPEAL MANDATE"



In the United States District Court
For the Middle District of North Carolina

Brian David Hill,)	
Petitioner/Defendant)	
)	Criminal Action No. 1:13-CR-435-1
)	
v.)	Civil Action No. 1:17-CV-1036
)	
United States of America,)	
Respondent/Plaintiff)	
)	
)	

**JUNE 21, 2019 DECLARATION OF BRIAN DAVID HILL IN OPPOSITION
TO GOVERNMENT'S/RESPONDENT'S DOCUMENTS #156, #157, AND
#158**

NOW COMES the Petitioner, by and through Brian David Hill ("Brian D. Hill"), "Petitioner", "Brian", or "Hill"), that is acting pro se and is proceeding pro se before this Honorable Court in the Middle District of North Carolina, and hereby respectfully moves to report evidence and this Declaration to the United States District Court which can affect the outcome of the Supervised Release Violation ("SRV") charges in Documents #156, #157, and #158, in this criminal case. Evidence is attached below to this pleading.

If the United States Attorney wants to continue this SRV case as is their right, they are prosecuting a Violation based upon a criminal Defendant/Petitioner who has proven to the United States Probation Officer Jason McMurray that: (#1) he had been subject to carbon monoxide gas exposure according to a witness who is an expert on Chimney work; (#2) that the police had failed or refused to do a Laboratory blood test results or if there was Laboratory results they were likely

covered up or destroyed or concealed; (#3) that Sovah Hospital in Martinsville, Virginia had drawn blood and the record said they had ordered different Laboratory tests but instead Hill was arrested on September 21, 2018 so the staff wouldn't do the Laboratory results but instead that it would be Martinsville Police Department.

The evidence was given over to U.S. Probation Officer ("USPO") Jason McMurray ("McMurray") on June 20, 2019 during the June monthly home visit. A photocopy of the evidence that was given over to USPO McMurray is attached to this Declaration filing, along with a Declaration of Brian David Hill certifying that he had given such evidence to USPO McMurray on June 20, 2019 (with original signatures).

The evidence proves that Martinsville Police Department had committed the civil wrongdoing of negligence which caused an innocent man to be arrested then spend months in Martinsville City Jail, then only to be arrested again but by the U.S. Marshals Service to be sent to Western Virginia Regional Jail in December, 2018, then to be evaluated again at FCI-1 Butner, then FCI Petersburg, then Central Virginia Regional Jail, then released on Federal bond. All of that could have been avoided had the Martinsville Police Department done their job after the Hospital staff had drawn blood from Brian David Hill on September 21, 2018. The Lab tests being ordered by the Hospital in Martinsville, (citing Medical Records obtained from Hill "MM00370912 MM7806761243 SOVAH Health - Martinsville, ED Physician Record - Electronic - Page 4/4, Job 23328 (05/17/2019 13:34) - Page 7 Doc# 2", photocopy of the record given to USPO McMurray) but then the tests which were supposed to be ordered were "Deleted from the chart" because the Hospital will not do the Lab tests themselves when the patient is under police custody since the Martinsville Police Department conducts their own Laboratory

tests according to what I was told at the Medical Records office at Sovah Hospital in Martinsville.

This is a clear cut case of negligence on the part of both Martinsville City Jail and Martinsville Police Department. Had the Police Department and/or the Jail or Hospital conducted the "blood count" test, they would have either detected an abnormal blood cell count or any other signs/evidence of toxicity in the blood which can include exposure to carbon monoxide poisoning caused by exposure to carbon monoxide gas. The Martinsville Police Department on September 21, 2018, violated Hill's rights under the Americans with Disabilities Act ("ADA"), lied to USPO McMurray about Hill recanting his statements made to the Police, failed or refused to conduct Laboratory test results after blood was drawn from Hill (*even the Medical Record shown that the blood count test and other test results would have been ordered by the Hospital had Hill not been arrested*), and their negligence led to the wrongful arrest warrant (Documents #156, #157, and #158) against Hill. The Police failed and refused to prove Hill's claims about being possibly drugged which would have revealed possible carbon monoxide toxicity. They should have thought it was abnormal for an autistic man to be walking naked on a hiking trail at night with brittle diabetes and Autism Spectrum Disorder, abrasions all on Hill's body, and not thinking straight.

REVIEW OF HILL'S PAST FILINGS

The Court can review what Hill had wrote on October 17, 2018 (Document #153). Hill felt like someone was watching him while he was mowing the yard on September 18, 2018 between the hours of 1-4 PM. He was talking on a talk show on September 19, 2018 about his federal case and the Americans with Disabilities Act. On September 20, 2018 some of his memories had been blocked out. He was under stress and anxiety. He was keeping his apartment doors unlocked, was

psychologically afraid to sleep on his bed, sometimes sleeping on the couch and had a bad feeling that something bad was going to happen to him.

Page 3 of 11: He had gone to a resort in Western Virginia in his own district a few days before and did not want to come back to his house. He explained "As if something was terrifying in my psychological mind, and I haven't kept my door or doors locked", While at his house, he kept his doors unlocked according to document #153. He left his house at about 11 to go walking beside the road on the sidewalk.

He walked to the Dick & Willie Trail (miles from his home) and about 11 to 12 midnight he met a guy in a hoodie near a warehouse who told Brian to remove his clothes and take photos of himself and leave the SD card on the nearby bench. He said the guy was probably white, 5 to 6 feet tall. This guy told Brian if he didn't do this, they (or he) would kill Brian's mother. Brian thought he might have been drugged.

At a later time not known to Brian or this Court until this year, Brian's family found out that he was exposed to carbon monoxide for about a year in his apartment 4 months after his September 21, 2018th arrest on January 30, 2019. His description leading up to the guy in the hoodie is the description of someone exposed to carbon monoxide which can cause effects of impulsiveness and hallucinations and brain damage. According to the hospital, his blood glucose was fine in the early hours of Sept. 21 which meant that he could have forgotten to give himself an insulin shot the night before. Brian has autism. Brian is a brittle diabetic who takes several insulin shots per day, and he has seizures when his glucose goes too low. Walking a lot causes his glucose to go very low. He needs someone with him at all times when he is walking or he is at risk of falling out into a diabetic seizure. He also was at risk of being attacked by a black bear or even coyotes. Why

would he walk naked at night when that is the time when dangerous animals can come out and maul him? Attack him? When he had no history of doing this kind of thing before? Abnormal behavior, abnormal thinking patterns? Carbon monoxide exposure? Hmmmmmm

THE CONCLUSION

The failure of Martinsville Police Department testing for drugs or anything, or cover up or concealment of such report (*if such report exists or had existed at one time, which may be Obstruction of Justice by concealing the existence of such report if such report had existed*), led to the wrongful Supervised Release Violation charge and wrongful arrest of Brian David Hill. All of that time wasted, tax payers money wasted, judicial resources wasted, all because of carbon monoxide gas exposure of an autistic man. If Hill's apartment had not been big (compared to California efficiency apartments), Hill would have highly likely died, then instead of being arrested for abnormal behavior, Hill would have been sitting dead smelling like a corpse in his apartment with high toxicity in his blood. Carbon monoxide exposure can lead to brain damage, doing crazy abnormal acts, and can eventually lead to death if the exposure is not detected then deterred. Carbon monoxide can lead to impulsiveness (conducting acts without thinking of the consequences), hallucinations (one could think they are taking a bath or shower but instead it can be out in public or one can hallucinate a man in a hoodie?). The possibilities of what one can hallucinate based on how much exposure to a gas? Can somebody truly think rational and act rational when under carbon monoxide gas exposure?

Brian has been punished far too long and far too much when he is the victim of carbon monoxide exposure, and him and his mother had received threats.

One greeting card which Roberta Hill received with the same Method of Operation (“MO”) (same writing style) by an unknown assailant before the threatening greeting card had mentioned about that it was no fun feeling (or being) sick. What would the greeting card sender know that Brian’s mother was feeling sick? Was it referring to carbon monoxide exposure? Were they thinking of a biological attack against Brian’s mother? Why is the FBI refusing to investigate anything Brian mails them or faxes them? The threatening greeting card said that they will conduct a “controlled action” against Brian’s mother if she didn’t stop what she was doing (presumably they did not like Roberta putting stuff on YouTube and having her books for sale on Amazon). Both were before the Dick and Willie trial incident on September 21, 2018.

Brian is a pure fan of U.S. President Donald John Trump for his “drain the swamp” campaign slogan and a pure ally of QANON because the corruption within the U.S. Department of Justice and the Federal Bureau of Investigation caused the wrongful suffering of Brian David Hill for all of these years. Brian believes it is time to drain the swamp of the corrupt and non-empathic psychotic Government corruption and abuses of power. The abuses of power by U.S. Attorneys and other Government employees is out of control, the frauds upon the court by the Government will make people not believe anything in our federal courts anymore and will create distrust of our federal courts, the frauds have to stop, the court should go after the frauds. Brian doesn’t understand why they all haven’t been fired from their jobs and barred from all Government jobs as a repercussion for their corrupt actions and psychopathic behaviors. The SRV violation is another form of retaliation/revenge against Brian David Hill and they are ignoring USPO McMurray to go on a witchhunt that will likely last over a year (*compared to the last Supervised Release Violation charge in 2015*) over Hill fighting to prove his

actual innocence and exposing the fraud or frauds upon the Court. Even I have witnessed on watching Sean Hannity show on Fox News, that the FBI and the DOJ had engaged in the fraud upon the court to get a FISA surveillance warrant against U.S. President Donald John Trump for the Russian Collusion Delusion. The DOJ and FBI seem to have a long history of dirty tricks to win every criminal case, at whatever cost that may be, whether it be criminally illegal or legal.

What Dr. Graney is doing to me, what AUSA Ramaswamy is doing to me, what other corrupt Government officials are doing to me and trying to hurt me and ruin my life, they are acting the very same way towards our honorable U.S. President Donald John Trump, a corrupt and unaccountable bureaucracy. I and President Trump are being treated the same. We are being abused and attacked by the U.S. Department of Justice which is legally terrorizing us, our friends, and/or our families. Terrorizing anybody who wants to exercise their freedom of speech and freedom of press, to speak out against Government corruption, eugenics, and abuse of power that has gone unchecked since the September 11, 2001 attacks. Now they can abuse any Americans they want, take away all their Constitutional rights, and get away with it. Our checks and balances are disappearing more and more every single year.

Why is the U.S. Department of Justice continuing to terrorize me and my family???????????? This SRV violation charge based on already abnormal behavior which had never happened before, caused by carbon monoxide gas exposure, and the Martinsville Police Department's lack of empathy and they didn't even want to investigate whether I was drugged or not. They didn't want to find out that I had toxicity in my blood as caused by carbon monoxide exposure.

Their negligence led to me being jailed from September 21, 2018, all the way till May 14, 2019, then spending another 5 days in jail for the State case until I was

bonded out on State Bond conditions simply because I appealed it to the Circuit Court for trial do novo. All of the days I spent sitting in Jails and Butner prison and Petersburg prison, all because the Police Department failed or refused to test for toxicity in my blood. How stupid can that be? That stupidity is ruining my life and making me stressed out beyond imagination. Martinsville Police is acting just as bad as Mayodan Police Department? Wouldn't any reasonable person think that the SRV charge and the State charge has gone too far with the evidence?

I plan on suing Government people and Martinsville Police Department for negligence, suing for as much money as I can get including Attorney fees, any medical fees, any fees for removing the toxicity from my blood, suing them all including the U.S. Attorney for supporting the negligence of Martinsville Police Department. I may also sue United States Probation Supervisory Officer Edward R. Cameron for wasting my time by wrongfully petitioning for arresting me when all of this could have been avoided by proving my earlier claim last year that I was drugged which such Laboratory tests would have proven toxicity/poisoning in the blood stream due to carbon monoxide gas exposure. USPO Supervisory Officer Edward Cameron allowed Kristy Burton to lie on the stand multiple times (Document #137), committing her perjury, and USPO Cameron seems to be retaliating against me for simply for bringing up on record her fraud upon the court for lying on the stand, making a mockery of true justice, a mockery by both Kristy Burton and the Assistant U.S. Attorney. Mocking the true justice system by perpetuating this lawfare, legal warfare against me and dragging my family into this perpetual criminal case nightmare. Till this day, Kristy Burton still works as a U.S. Probation Officer, she has not once been punished for any crimes that she may committed under the guise of justice.

I plan on suing both the U.S. Probation Office in Greensboro, NC (not Jason McMurray since he never called for my revocation, Jason McMurray should be excluded from my future lawsuit or lawsuits depending on how bad the negligence is.), the U.S. Attorney office in Greensboro, NC, the Martinsville Police Department, and the Martinsville City Jail, all for wrongful imprisonment, ignoring evidence, ignoring and violating my disability rights, and negligence. They want to make my life a living hell by pushing to revoke my Supervised Release and me being charged in the State of Virginia all for being a victim of gas exposure, poisoning, and the Law Enforcement failed or refused to test for drugs which would have shown carbon monoxide and/or toxicity in the blood. The negligence had led to the witchhunt against me which is negatively affecting my family and my health.

From everything I had witnessed ever since the start of this federal criminal case, I have learned that Donald Trump and/or Sean Hannity was right about our Department of Justice, they are as corrupt, non-empathetic, abuse of power, and most detrimental to our Constitutional republic that I had ever seen since the Department of Justice was originally created by Congress. The Assistant U.S. Attorneys should share the blame for my wrongful suffering. All of the wrongful acts that they had done to me, being an innocent man in both my federal case and the Commonwealth/State case. Even case law shows that I cannot be guilty of indecent exposure without being obscene. I had to be obscene in order to be guilty of it, which is what both Virginia Circuit case laws, and my own lawyer said to me. I am innocent of the State charge and that was without the carbon monoxide exposure. That evidence just strengthens the innocence arguments in my favor.

I am tired of being punished over and over again, for my actual innocence. I shouldn't be punished for my State appeal either. I am tired of being punished

over my Pro Se work too. I am tired of being wrongfully convicted and then face revocation of Supervised Release on top of that while the laboratory results were either never conducted or were covered up just like the cover up of the State Bureau of Investigation forensic report on my criminal case in the Federal system. I am getting tired of being abused by the DOJ in a prosecutorial system that doesn't care about the American people but cares about power and putting us all in fear of retaliation and repercussions for speaking out. I done nothing wrong when I was a victim of carbon monoxide exposure. I need therapy, detoxification, and any other measures to get the carbon monoxide out of my body, not a revocation of my Supervised Release. I need healing, not jailing.

The only way for justice to be served is to find out what happened to the Laboratory report if there was one, and why the Martinsville Police Department failed or refused to find whether or not there was toxicity in my blood after they had found me on the Dick and Willie hiking trail, at night, naked, and abrasions on my body. Then investigate whether the negligence caused my wrongful incarceration.

Hill introduces three case laws in favor of Hill not being guilty of indecent exposure under Virginia Code § 18.2-387. In all three cases the convictions were reversed when the conduct did not rise to being obscene, because "it does not rise to the level of obscenity required under Code § 18.2-387, as defined in Code § 18.2-372."

1. Kimberly F. Neice v. Commonwealth of Virginia, Record No. 1477-09-3 in the Circuit Court of Giles County
2. A. M. v. Commonwealth of Virginia, Record No. 1150-12-4 in the Circuit Court of Shenandoah County
3. Kenneth Samuel Moses v. Commonwealth of Virginia, Record No. 0985-03-3 in the Circuit Court of Richmond

None of those cases involving such acquittals are carbon monoxide cases. So should there be any criminal charges at all involving victims of carbon monoxide gas poisoning????? You be the Judge?

Respectfully filed with the Court, this the 21st day of June, 2019.

Respectfully submitted,

Brian D. Hill
signed

Signed

Brian D. Hill (Pro Se)

310 Forest Street, Apartment 1

Martinsville, Virginia 24112

Phone #: (276) 790-3505

U.S.W.G.O.

Former U.S.W.G.O. Alternative News reporter

I stand with QANON/Donald-Trump – Drain the Swamp

Make America Great Again

Petitioner also requests with the Court that a copy of this pleading be served upon the Government as stated in 28 U.S.C. § 1915(d), that "The officers of the court shall issue and serve all process, and preform all duties in such cases. Witnesses shall attend as in other cases, and the same remedies shall be available as are provided for by law in other cases". Petitioner requests that copies be served with the U.S. Attorney office of Greensboro, NC via CM/ECF Notice of Electronic Filing ("NEF") email, by facsimile if the Government consents, or upon U.S. Mail.

Thank You!

Declaration of Brian David Hill on evidence/records given to USPO Jason McMurray of Roanoke, Virginia

I, Brian David Hill, declare pursuant to Title 28 U.S.C. § 1746 and subject to the penalties of perjury, that the following is true and correct:

11/07/19 11:00 AM
11/07/19 11:00 AM

I attach the following evidence in the following order in attachment to this pleading for this Honorable Court in support of the claims made this pleading and any arguments made in this pleading in regards to the Supervised Release Violation charge and therefore supports the opposition to Government's Documents #156, #157, and #158:

1. Declaration of Brian David Hill on June 19, 2019, regarding delivery of certain papers/records to United States Probation Officer Jason McMurray of Roanoke, Virginia – Pursuant to criminal case no. 1:13-cr-435-1, United States District Court – Middle District of North Carolina – 2 pages (**original signatures**)
2. Photocopy of Declaration of Brian David Hill on June 19, 2019, regarding Laboratory results and Martinsville Police Department – Pursuant to criminal case no. 1:13-cr-435-1, United States District Court – Middle District of North Carolina – 2 pages
3. Photocopy of Sovah Health Martinsville (formerly Martinsville Memorial Hospital) Medical Records of Brian David Hill, dated September 21, 2018, requested on May 17, 2019, MRN: MM00370912, ACCT: MM7806761243 – 7 pages
4. Photocopy of Letter from witness Pete Compton regarding statements of both Brian David Hill's and Roberta Hill's residences at 310 Forest Street, Apartment #1 and Apartment #2, Martinsville, VA, being exposed to carbon monoxide gas – 1 page

Total is 12 pages.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 21, 2019.

Respectfully submitted,

11-11-11
11-11-11

Brian D. Hill
Signed

Signed

Brian D. Hill (Pro Se)

310 Forest Street, Apartment 1

Martinsville, Virginia 24112

Phone #: (276) 790-3505

U.S.W.G.O.

Former U.S.W.G.O. Alternative News reporter

I stand with QANON/Donald-Trump – Drain the Swamp

Make America Great Again

CERTIFICATE OF SERVICE

Petitioner hereby certifies that on June 21, 2019, service was made by mailing the original of the foregoing:

“JUNE 21, 2019 DECLARATION OF BRIAN DAVID HILL IN OPPOSITION TO GOVERNMENT’S/RESPONDENT’S DOCUMENTS #156, #157, AND #158”

by deposit in the United States Post Office, in an envelope, Postage prepaid, on June 21, 2019 addressed to the Clerk of the Court in the U.S. District Court, for the Middle District of North Carolina, 324 West Market Street, Suite 1, Greensboro, NC 27401.

Then pursuant to 28 U.S.C. §1915(d), Petitioner requests that the Clerk of the Court move to electronically file the foregoing using the CMIECF system which will send notification of such filing to the following parties to be served in this action:

Anand Prakash Ramaswamy U.S. Attorney Office Civil Case # 1:17 -cv-1036 101 South Edgeworth Street, 4th	Angela Hewlett Miller U.S. Attorney Office Civil Case # 1: 17 -cv-1036 101 South Edgeworth Street, 4th
--	---

Floor, Greensboro, NC 27401

Anand.Ramaswamy@usdoj.gov

Floor, Greensboro, NC 27401

angela.miller@usdoj.gov

This is pursuant to Petitioner's "In forma Pauperis" ("IFP") status, 28 U.S.C. §1915(d) that "The officers of the court shall issue and serve all process, and perform all duties in such cases ... "the Clerk shall serve process via CM/ECF to serve process with all parties.

7016 0600 0000 8319 9190

Date of signing:

June 21, 2019

Respectfully submitted,

Brian D. Hill
Signed

Signed

Brian D. Hill (Pro Se)
310 Forest Street, Apartment 1
Martinsville, Virginia 24112
Phone #: (276) 790-3505

U.S.W.G.O.

I stand with QANON/Donald-Trump – Drain
the Swamp
Make America Great Again

Declaration of Brian David Hill on June 19, 2019, regarding delivery of certain papers/records to United States Probation Officer Jason McMurray of Roanoke, Virginia – Pursuant to criminal case no. 1:13-cr-435-1, United States District Court – Middle District of North Carolina

I, Brian David Hill, declare pursuant to Title 28 U.S.C. § 1746 and subject to the penalties of perjury, that the following is true and correct:

I certify that on June 20, 2019, I had personally delivered, by hand delivery, the following papers to United States Probation Officer Jason McMurray of the Western District of Virginia, Roanoke division, while at my home at 310 Forest Street, Apartment 1, Martinsville Virginia:

1. Declaration of Brian David Hill on June 19, 2019, regarding Laboratory results and Martinsville Police Department – Pursuant to criminal case no. 1:13-cr-435-1, United States District Court – Middle District of North Carolina – 2 pages
2. Sovah Health Martinsville (formerly Martinsville Memorial Hospital) Medical Records of Brian David Hill, dated September 21, 2018, requested on May 17, 2019, MRN: MM00370912, ACCT: MM7806761243 – 7 pages
3. Letter from witness Pete Compton regarding statements of both Brian David Hill's and Roberta Hill's residences at 310 Forest Street, Apartment #1 and Apartment #2, Martinsville, VA, being exposed to carbon monoxide gas – 1 page

Total is 10 pages.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 20, 2019.

Signed, Brian D. Hill
Signed

Brian D. Hill

Former U.S.W.G.O. Alternative News reporter

Phone #: 276-790-3505

Mailing Address: 310 Forest Street, Apartment 1, Martinsville, Virginia 24112

delivery of records/papers - 1 of 2 - delivery of records/papers



Amazon: The Frame Up of Journalist Brian D. Hill

Witnessed by
Roberta Hill

310 Forest Street, Apartment 1, Martinsville, Virginia 24112

A handwritten signature in cursive script, reading "Roberta Hill", is written over a horizontal line.

Signature

delivery of records/papers - 2 of 2 - delivery of records/papers

①

Declaration of Brian David Hill on June 19, 2019, regarding Laboratory results and Martinsville Police Department – Pursuant to criminal case no. 1:13-cr-435-1, United States District Court – Middle District of North Carolina

I, Brian David Hill, declare pursuant to Title 28 U.S.C. § 1746 and subject to the penalties of perjury, that the following is true and correct:

After I was released on Federal bond in Roanoke, Virginia on May 14, 2019, one of those days in May, 2019, I had wanted to ask Sovah Health Martinsville (*formerly Martinsville Memorial Hospital, located at 320 Hospital Drive, Martinsville, VA 24112*) for the Medical Records including the Laboratory results. I asked for those records on May 17, 2019. All I got was seven (7) pages from what I had remembered. Another time thereafter, at a later day I went back to the Medical Records office and asked them to look for Laboratory results. One of the women who worked there called somebody or another office and asked about it, then she asked me if I was escorted there by police or if police were with me when I was at the Hospital. When I said that I was, she said that the Laboratory results would be with the Martinsville Police Department and that they do their own Lab test results.

On September 21, 2018, before I was arrested by Martinsville Police Department under officer Sgt. R. D. Jones, blood was drawn from me and placed into a vial or vials while at the Hospital, then I assumed I was being tested for drugs which I thought was appropriate considering that I thought I was drugged at the time.

The reason I need those Lab results is because they would have been able to tell either an abnormal blood cell count or found toxicity in the blood which would mean the evidence of the presence of a toxicity which can include carbon monoxide gas poisoning. The last page from Sovah Health Martinsville Hospital, "MM00370912 MM7806761243 SOVAH Health - Martinsville, ED Physician Record - Electronic - Page 4/4, Job 23328 (05/17/2019 13:34) - Page 7 Doc# 2", it stated that "COMPLETE BLD COUNT W/AUTO DIFF+LAB ordered. EDMS" would have been ordered which would have proven toxicity in my blood and thus I have the belief that if the Martinsville Police Department, on September 21, 2018, had they done the blood count lab tests, they would have proven my statements regarding my thoughts that I was drugged (*unaware at the time on September 21st that I had been living in my home during the time of carbon monoxide gas exposure all the way up until late night September 20, 2018 when I left my home at Apartment 2, 310 Forest Street, Martinsville, VA 24112*), then they would have eventually found out last year that I had carbon monoxide toxicity in my blood.

I had turned myself in to Martinsville City Jail on May 30, 2019, due to my

(1)

lawyer Scott Albrecht (*at the time, when he was my lawyer*) instructing me that unless I withdrawn my Appeal of my criminal case to the Circuit Court, I would have to turn myself in and go back into custody at the State of Virginia until I was bonded out on June 4, 2019. I had informed my lawyer through phone (earlier by Fax) after I had turned myself into Martinsville City Jail, about the Laboratory results that I thought the Martinsville Police Department would have a record of since my blood was drawn last year (*around September 21, 2018*), as it would help prove carbon monoxide. He told me that the Commonwealth Attorney will also look for those records, and said that they may or may not exist.

On the day that I was released from Martinsville City Jail (June 4, 2019), my family informed me that my lawyer Scott Albrecht told them that there was no Laboratory Report in the Martinsville Police Department. My blood was drawn, and put into vials on September 21, 2018. usually when I see medical staff draw blood from me, it is normally to do Laboratory work, and can even be used for drug testing. So blood was drawn, the Police Department does their own Lab results from what the Hospital staff told me, and yet I had found out that the Police Department does not have any Lab results and the Commonwealth Attorney of Martinsville, VA, cannot find those Lab results. The last page I had received from Sovah Hospital asked for specific tests to have been ordered including a blood count test, and that would have proven to Martinsville Police Department that I had toxicity in my blood at the time that I was naked on the Dick and Willie hiking trail in Martinsville, VA, at night, around early September 21, 2018, and had abrasions/scrapes/scratches all on my body. I wasn't thinking straight because of the carbon monoxide gas exposure, yet the Police Department did not have any Laboratory results even though blood was drawn from me while at the Hospital.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 19, 2019.

Signed, _____

Brian D. Hill
Signed

Brian D. Hill

Former U.S.W.G.O. Alternative News reporter

Phone #: 276-790-3505

Mailing Address: 310 Forest Street, Apartment 1, Martinsville, Virginia 24112

U.S.W.G.O.

Amazon: The Frame Up of Journalist Brian D. Hill

I stand by QANON/President-Trump and ask for QANON's help

06/19/2019 - 06:46 PM

Brian Hill
MRN: MM00370912
ACCT: MM7806761243

2

Sovah Health Martinsville

320 Hospital Drive
Martinsville, VA 24112
276-666-7237

7806761243

Emergency Department
Instructions for:

Hill, Brian D

Arrival Date:

Friday, September 21, 2018

Thank you for choosing Sovah Health Martinsville for your care today. The examination and treatment you have received in the Emergency Department today have been rendered on an emergency basis only and are not intended to be a substitute for an effort to provide complete medical care. You should contact your follow-up physician as it is important that you let him or her check you and report any new or remaining problems since it is impossible to recognize and treat all elements of an injury or illness in a single emergency care center visit.

Care provided by: Hinchman, Brant, DO

Diagnosis: Abrasion, right knee; Abrasion of unspecified front wall of thorax

DISCHARGE INSTRUCTIONS	FORMS
VIS, Tetanus, Diphtheria (Td) - CDC Abrasion, Easy-to-Read Knee Pain, Easy-to-Read	Medication Reconciliation
FOLLOW UP INSTRUCTIONS	PRESCRIPTIONS
Private Physician When: Tomorrow; Reason: Further diagnostic work-up, Recheck today's complaints, Continuance of care Emergency Department When: As needed; Reason: Fever > 102 F, Trouble breathing, Worsening of condition	None
SPECIAL NOTES	
None	

National Hopeline Network: 1-800-784-2433

If you received a narcotic or sedative medication during your Emergency Department stay you should not drive, drink alcohol or operate heavy machinery for the next 8 hours as this medication can cause drowsiness, dizziness, and decrease your response time to events.

I hereby acknowledge that I have received a copy of my transition care record and understand the above instructions and prescriptions.

Brian D. Hill

Brian Hill

Jenica Tate, RN, BSN

ED Physician or Nurse
09/21/2018 04:52

2

EMERGENCY DEPARTMENT RECORD

Physician Documentation
Sovah Health Martinsville

Name: Brian Hill

Age: 28 yrs

Sex: Male

DOB: 05/26/1990

MRN: MM00370912

Arrival Date: 09/21/2018

Time: 04:04

Account#: MM7806761243

Bed ER 9

Private MD:

ED Physician Hinchman, Brant

HPI:

09/21

04:40 This 28 yrs old White Male presents to ER via Law Enforcement with complaints of Knee Pain. bdh

09/21

04:48 28-year-old male with diabetes and autism presents for evaluation after complaining of right knee pain and scrapes and abrasions. bdh
Patient was apparently taking pictures of himself in the nude across town this evening and when police attempted apprehend him brain through Briar patch. Patient does report scratches and abrasions to the right knee but no pain on range of motion. Unknown last tetanus..

Historical:

- Allergies: Ranitidine;
- PMHx: autism; Diabetes - IDDM; OCD;
- Exposure Risk/Travel Screening:: Patient has not been out of the country in last 30 days. Have you been in contact with anyone who is ill that has traveled outside of the country in the last 30 days? No.
- Social history:: Tobacco Status: The patient states he/she has never used tobacco. The patient/guardian denies using alcohol, street drugs, The patient's primary language is English. The patient's preferred language is English.
- Family history:: No immediate family members are acutely ill.
- Sepsis Screening:: Sepsis screening negative at this time.
- Suicide Risk Screen:: Have you been feeling depressed in the last couple of weeks? No Have you been feeling hopeless to the extent that you would want to end your life? No Have you attempted suicide or had a plan to attempt within the last 12 months? No.
- Abuse Screen:: Patient verbally denies physical, verbal and emotional abuse/neglect.
- Tuberculosis screening:: No symptoms or risk factors identified.
- The history from nurses notes was reviewed: and my personal history differs from that reported to nursing.

ROS:

09/21

04:49 All other systems are negative, except as documented below. bdh

Constitutional: Negative for chills, fever. Respiratory: Negative for

Brian Hill
MRN: MM00370912
ACCT: MM7806761243

②

FOLLOW UP INSTRUCTIONS**Private Physician**

When: Tomorrow

Reason: Further diagnostic work-up, Recheck today's complaints, Continuance of care

Emergency Department

When: As needed

Reason: Fever > 102 F, Trouble breathing, Worsening of condition

7806761243

Brian Hill
MRN: MM00370912
ACCT: MM7806761243

(2)

MRN # MM00370912

X-RAYS and LAB TESTS:

If you had x-rays today they were read by the emergency physician. Your x-rays will also be read by a radiologist within 24 hours. If you had a culture done it will take 24 to 72 hours to get the results. If there is a change in the x-ray diagnosis or a positive culture, we will contact you. Please verify your current phone number prior to discharge at the check out desk.

MEDICATIONS:

If you received a prescription for medication(s) today, it is important that when you fill this you let the pharmacist know all the other medications that you are on and any allergies you might have. It is also important that you notify your follow-up physician of all your medications including the prescriptions you may receive today.

TESTS AND PROCEDURES**Labs**

None

Rad

None

Procedures

None

Other

Call ERT, IV saline lock

Chart Copy

7806761234

②

cough, dyspnea on exertion, shortness of breath. MS/extremity: Positive for pain, Negative for decreased range of motion, paresthesias, swelling, tenderness, tingling. Skin: Positive for abrasion(s), Negative for rash, swelling.

Exam:

09/21

04:49 Constitutional: This is a well developed, well nourished patient who bdh is awake, alert, and in no acute distress. Head/Face: Normocephalic, atraumatic. Eyes: Pupils equal round and reactive to light, extra-ocular motions intact. Lids and lashes normal. Conjunctiva and sclera are non-icteric and not injected. Cornea within normal limits. Periorbital areas with no swelling, redness, or edema. ENT: Oropharynx with no redness, swelling, or masses, exudates, or evidence of obstruction, uvula midline. Mucous membranes moist. No meningismus. Neck: Supple, full range of motion without nuchal rigidity, or vertebral point tenderness. No Meningismus. No JVD. Cardiovascular: Regular rate and rhythm with a normal S1 and S2. No gallops, murmurs, or rubs. No JVD. No pulse deficits. Respiratory: Lungs have equal breath sounds bilaterally, clear to auscultation and percussion. No rales, rhonchi or wheezes noted. No increased work of breathing, no retractions or nasal flaring. Abdomen/GI: Soft, non-tender, with normal bowel sounds. No distension or tympany. No guarding or rebound. No pulsatile mass. Back: No spinal tenderness. No costovertebral tenderness. Full range of motion. Skin: Multiple superficial abrasions to the groin and abdomen without fluctuance or tenderness. MS/ Extremity: Pulses equal, no cyanosis. Neurovascular intact. Full, normal range of motion. No peripheral edema, tenderness. Abrasion to right knee but nontender, no deformity or swelling. Ambulating without difficulty. Neuro: Awake and alert, GCS 15, oriented to person, place, time, and situation. Cranial nerves II-XII grossly intact. Psych: Awake, alert, with orientation to person, place and time. Behavior, mood, and affect are within normal limits.

Vital Signs:

09/21

04:09 BP 124 / 86; Pulse 119; Resp 19; Temp 98; Pulse Ox 98% ; Weight 99.79 jt kg; Height 6 ft. 0 in. (182.88 cm); Pain 0/10;

09/21

05:01 BP 119 / 80; Pulse 106; Resp 16; Temp 98.2; Pulse Ox 99% ; Pain 0/10; jt

09/21

04:09 Body Mass Index 29.84 (99.79 kg, 182.88 cm) jt

MDM:

09/21

04:04 MSE Initiated by Provider.

bdh

09/21

04:50 Differential diagnosis: fracture, sprain, penetrating trauma, et al. bdh
ED course: Cleared from a psychiatric standpoint by Behavioral Health. Patient will be discharged to jail. No new complaints.. Data reviewed: vital signs, nurses notes. Counseling: I had a detailed

discussion with the patient and/or guardian regarding: the historical points, exam findings, and any diagnostic results supporting the

(2)

discharge/admit diagnosis, the need for outpatient follow up, to return to the emergency department if symptoms worsen or persist or if there are any questions or concerns that arise at home.

09/21

04:16 Order name: Call ERT; Complete Time: 04:25

bdh

09/21

04:16 Order name: IV saline lock; Complete Time: 04:36

bdh

09/21

04:29 Order name: Other: NO suicidal homicidal risk; Complete Time: 05:03

bdh

Dispensed Medications:

Discontinued: NS 0.9% 1000 ml IV at 999 mL/hr once

09/21

04:36 Drug: Tetanus-Diphtheria Toxoid Adult 0.5 ml (Manufacturer: Grifols Therapeutics. Exp: 09/27/2020. Lot #: A112A.) Route: IM; Site: right deltoid; lb1

09/21

05:04 Follow up: Response: No adverse reaction

lb1

09/21

04:36 Drug: NS 0.9% 1000 ml Route: IV; Rate: 999 mL/hr; Site: right arm; Delivery: Primary tubing; lb1

09/21

05:11 Follow up: IV Status: Completed infusion

dr

Disposition:

09/21

04:52 Electronically signed by Hinchman, Brant, DO at 04:52 on 09/21/2018. Chart complete. bdh

Disposition:

09/21/18 04:52 Discharged to Jail/Police. Impression: Abrasion, right knee, Abrasion of unspecified front wall of thorax.

- Condition is Stable.

- Discharge Instructions: VIS, Tetanus, Diphtheria (Td) - CDC, Abrasion, Easy-to-Read, Knee Pain, Easy-to-Read.

- Medication Reconciliation form.

- Follow up: Private Physician; When: Tomorrow; Reason: Further diagnostic work-up, Recheck today's complaints, Continuance of care. Follow up: Emergency Department; When: As needed; Reason: Fever > 102 F, Trouble breathing, Worsening of condition.

- Problem is new.

- Symptoms have improved.

Order Results:

There are currently no results for this order.

Signatures:

Dispatcher MedHost

Tate, Jessica, RN

Hinchman, Brant, DO

EDMS

RN

jt

DO

bdh

(2)

Ramey, Nicole
 Bouldin, Lauren, RN
 Reynolds, Daniel R

nmr
 RN lbl
 RN dr

Corrections: (The following items were deleted from the chart)

09/21
 04:48 09/21 04:16 COMPREHENSIVE METABOLIC PANEL+LAB ordered. EDMS
 09/21
 04:48 09/21 04:16 COMPLETE BLD COUNT W/AUTO DIFF+LAB ordered. EDMS
 09/21
 04:49 09/21 04:16 CPK, TOTAL+LAB ordered. EDMS
 09/21
 04:50 09/21 04:16 ALCOHOL, ETHYL+LAB ordered. EDMS
 09/21
 04:50 09/21 04:16 STAT OVERDOSE PANEL+LAB ordered. EDMS
 09/21
 04:52 09/21 04:52 09/21/2018 04:52 Discharged to Jail/Police. Impression: bdh
 Abrasion, right knee; Abrasion of unspecified front wall of thorax.
 Condition is Stable. Discharge Instructions: Medication
 Reconciliation. Follow up: Private Physician; When: Tomorrow; Reason:
 Further diagnostic work-up, Recheck today's complaints, Continuance
 of care. Follow up: Emergency Department; When: As needed; Reason:
 Fever > 102 F, Trouble breathing, Worsening of condition. Problem is
 new. Symptoms have improved. bdh
 09/21
 04:54 09/21 04:16 URINALYSIS W/REFLEX TO CULTURE+LAB ordered. EDMS
 EDMS

(3)

To Whom This May Concern:

On January 30, 2019 I went to the house at 310 Forest St., Martinsville, Va 24112 to measure and give a price for a Chimney cover. Roberta Hill and her parents: Ken & Stella Forinash escorted me to Apt 1 to show me the fireplace which had a small amount of white residue inside, no damage to the ceiling and wall around the fireplace. They then escorted me downstairs to Apt 2 where parts of the ceiling above the fireplace had fallen and there was a lot of damage in the remaining ceiling below the hearth of the fireplace in apt 1 located above apt 2 and a lot of damage along the wall in apt 2 above and on both sides of the fireplace as well as a lot of white residue inside of the fireplace. After this, we went down another flight of stairs to the basement where the gas boiler heater and the gas hot water heater were located to show me that there would be 3 holes in the chimney.

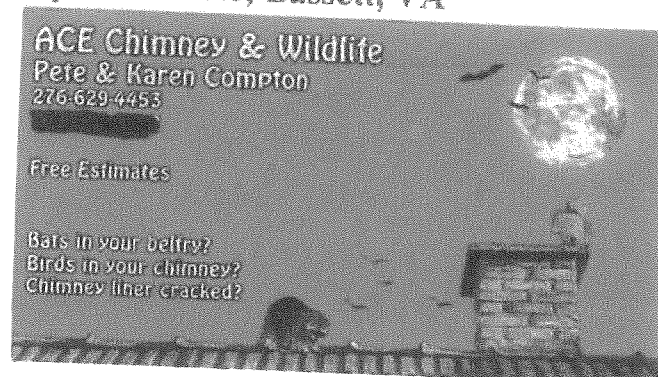
I then went outside and got my ladder to measure the chimney. This was when I found out that all 3 holes were covered with tin. Knowing that the gas boiler heater & gas hot water heater needed to be vented at all times, I immediately removed the tin covering the hole so carbon monoxide would no longer go through the house. Ms Hill had informed me that she had called a chimney sweep in Rocky Mount, VA in October, 2017 to clean the chimney and to put screen on all holes after the family spotted birds going into their fireplace the year before. In my 25 years of doing this type of work, this was the first time I have ever seen tin covering holes where it is important to vent gas heaters. I showed the family the tin I had just removed and had them to climb my ladder to look at the chimney. We then went back in the house, and I informed them that the white residue inside both fireplaces was from the gas that had no other place to escape and informed them that they had been exposed to carbon monoxide poisoning, but now that the tin had been removed, there should no longer be any problems. I returned to the house on February 4, 2019 and installed a stainless steel multifaceted chimney cap vented with screen on all 4 sides. GA
EA

Signed as a witness on this date: Kenneth R. Forinash 6-13-19

Pete Compton 6-13-19

Pete Compton ACE Chimney & Wildlife; Bassett, VA

Phone 276-629-4453



Joint Appendix 5

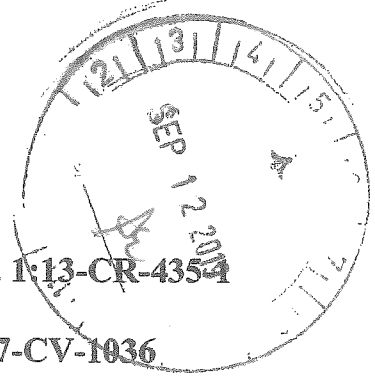
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UNITED STATES DISTRICT COURT CASE NO. 1:13-CR-435-1
MIDDLE DISTRICT OF NORTH CAROLINA

Join Appendix in attachment to "PETITION FOR A WRIT OF MANDAMUS TO THE
UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH
CAROLINA AND MOTION FOR STAY OF DISTRICT COURT JUDGMENT
PENDING MANDAMUS OR UNTIL FINAL APPEAL MANDATE"

In the United States District Court
For the Middle District of North Carolina



Brian David Hill,
Petitioner/Defendant

v.

United States of America,
Respondent/Plaintiff

Criminal Action No. 1:13-CR-4354

Civil Action No. 1:17-CV-1036

EMERGENCY
PETITIONER'S NOTICE OF APPEAL

NOW COMES the Petitioner, by and through Brian David Hill ("Brian D. Hill"), "Petitioner", or "Hill"), that is acting pro se in this action before this Honorable Court in the Middle District of North Carolina, and hereby respectfully moves to file this notice of appeal.

Notice is hereby given that Defendant/Petitioner Brian David Hill in the above named case hereby appeal to the United States Court of Appeals for the Fourth Circuit from an order entered in this action on September 12, 2019 after the proceeding.

*See Fed. R. App. P. 3(c) for permissible ways of identifying appellants.

This NOTICE OF APPEAL concerns the protection of the constitutional rights of Hill including his right to appeal in the state court before the final supervised release violation aka the revocation hearing to protect his procedural due process right to a speedy trial. The final decision/order during the revocation hearing

scheduled for September 12, 2019, at 2:00PM is an error of law and violates Hill's right to a speedy trial in his state court trial (case # CR19000009-00) and Hill's right to the appeal in the Martinsville Circuit Court in connection with the Supervised Release Violation ("SRV"). The hearing the day thereafter violates Brian's right to participate in his state criminal case appeal process, violates his speedy trial rights, violates his right to cross examine the witnesses in his state case, his right to prove that he is actually innocent (legally innocent) of his state charge which is cause for such SRV petition for revocation, and is a unconstitutional error of law and an abuse of discretion. This appeal needs to be accepted and filed to protect Hill's due process rights from being deprived by the final SRV hearing that is scheduled for the next day. This state case concerns the actual innocence of Brian David Hill (case # CR19000009-00) and any attempt to revoke his supervised release over a state charge that Hill is actually innocent of is cruel and unusual punishment, creates a legal system that punishes probationers or any criminal defendants for any charges that they are legally innocent of, and is in contradiction to Congress's intent when the United States Probation statute was created. Congress never intended to create Federal Probation with an intent to revoke probation of anybody accused of a crime that they are actually innocent of (legal innocence is actual innocence). This creates a precedent where any criminal defendant that makes any enemies within the Government or Law Enforcement could face harassment by fake criminal charges and then probation can be revoked based on fake or wrongful criminal charges. Congress never intended for Federal Probation to be used as a mechanism to revoke those who were accused of violating a federal, state, or local law but was actually innocent of such charge.

Respectfully filed with the Court, this the 12th day of September, 2019.

Respectfully submitted,

Brian D. Hill
Signed

Signed

Brian D. Hill (Pro Se)

310 Forest Street, Apartment 1

Martinsville, Virginia 24112

Phone #: (276) 790-3505

U.S.W.G.O.

Former U.S.W.G.O. Alternative News reporter

I stand with QANON/Donald-Trump – Drain the Swamp

Brian asks Donald Trump for a full pardon of innocence, asks Qanon for help

Make America Great Again

Petitioner also requests with the Court that a copy of this pleading be served upon the Government as stated in 28 U.S.C. § 1915(d), that "The officers of the court shall issue and serve all process, and preform all duties in such cases. Witnesses shall attend as in other cases, and the same remedies shall be available as are provided for by law in other cases". Petitioner requests that copies be served with the U.S. Attorney office of Greensboro, NC via CM/ECF Notice of Electronic Filing ("NEF") email, by facsimile if the Government consents, or upon U.S. Mail.

Thank You!

Q

CERTIFICATE OF SERVICE

Petitioner hereby certifies that on September 12, 2019, service was made by hand delivery of the original of the foregoing:

EMERGENCY "PETITIONER'S NOTICE OF APPEAL"

To the presiding Judge or Chamber Clerk during the hearing, or will be delivered to the Clerk of the Court in the United States District Court for the Middle District of North Carolina, 251 N. Main Street, Winston-Salem, N.C. 27101.

Then pursuant to 28 U.S.C. §1915(d), Petitioner requests that the Clerk of the Court move to electronically file the foregoing using the CM/ECF system which will send notification of such filing to the following parties to be served in this action:

Anand Prakash Ramaswamy U.S. Attorney Office Civil Case # 1:17 -cv-1036 101 South Edgeworth Street, 4th Floor, Greensboro, NC 27401 Anand.Ramaswamy@usdoj.gov	Angela Hewlett Miller U.S. Attorney Office Civil Case # 1: 17 -cv-1036 101 South Edgeworth Street, 4th Floor, Greensboro, NC 27401 angela.miller@usdoj.gov
---	--

This is pursuant to Petitioner's "In forma Pauperis" ("IFP") status, 28 U.S.C. §1915(d) that "The officers of the court shall issue and serve all process, and perform all duties in such cases ... "the Clerk shall serve process via CM/ECF to serve process with all parties.

<p>Date of signing:</p> <p><u>September 12, 2019</u></p>	<p>Respectfully submitted,</p> <p><u>Brian D. Hill</u></p> <p><i>Signed</i> Signed</p> <p>Brian D. Hill (Pro Se)</p> <p>310 Forest Street, Apartment 1</p> <p>Martinsville, Virginia 24112</p> <p>Phone #: (276) 790-3505</p> <p>U.S.W.G.O.</p> <p>I stand with QANON/Donald-Trump – Drain the Swamp Make America Great Again</p>
--	--

Joint Appendix 6

USWGO
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UNITED STATES DISTRICT COURT CASE NO. 1:13-CR-435-1
MIDDLE DISTRICT OF NORTH CAROLINA

Join Appendix in attachment to "PETITION FOR A WRIT OF MANDAMUS TO THE
UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH
CAROLINA AND MOTION FOR STAY OF DISTRICT COURT JUDGMENT
PENDING MANDAMUS OR UNTIL FINAL APPEAL MANDATE"

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MAR 20 1962
MAR 20 1962

U.S. POSTAGE FITNESS BOOKS.

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02 4W 0000336182 SEP 20 2019

CLERK'S OFFICE
U.S. COURT OF APPEALS
FOR THE FOURTH CIRCUIT
1100 E. MAIN STREET, SUITE 501
RICHMOND, VIRGINIA 23219

OFFICIAL BUSINESS

BRIAN DAVID HILL
310 FOREST STREET
APARTMENT 1
MARTINSVILLE, VA 24112

Received on
September 24, 2019
Brian D. Hill
Signed

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT
LEWIS F. POWELL, JR. UNITED STATES COURTHOUSE ANNEX
1100 EAST MAIN STREET, SUITE 501
RICHMOND, VIRGINIA 23219-3517
WWW.CA4.USCOURTS.GOV

PATRICIA S. CONNOR
CLERK

TELEPHONE
(804) 916-2700

September 20, 2019

John S. Brubaker, Clerk
U.S. District Court
Middle District of North Carolina
324 West Market Street, Suite 401
Greensboro, NC 27401

Re: USA v. Brian David Hill
1:13-cr-00435-TDS

Dear Mr. Brubaker:

Review of the district court docket discloses that the district court has not yet entered judgment in this case. Under Fed. R. App. P. 4(b)(2), a notice of appeal filed after a decision, sentence, or order is announced but before judgment is entered, is treated as filed on the date of and after entry of judgment.

This court will treat the notice of appeal as filed as of the date the district court enters its judgment and will docket the appeal following entry of judgment. Please notify this court upon entry of the judgment.

Yours truly,

/s/ Margaret Thomas

cc: Brian David Hill, Pro se
John M. Alsup, AUSA

Joint Appendix 7

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UNITED STATES DISTRICT COURT CASE NO. 1:13-CR-435-1
MIDDLE DISTRICT OF NORTH CAROLINA

Join Appendix in attachment to "PETITION FOR A WRIT OF MANDAMUS TO THE
UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH
CAROLINA AND MOTION FOR STAY OF DISTRICT COURT JUDGMENT
PENDING MANDAMUS OR UNTIL FINAL APPEAL MANDATE"

AO 199A (Rev. 11/08 - VAW Additions 5/09) Order Setting Conditions of Release

Page 1 of 3 Pages

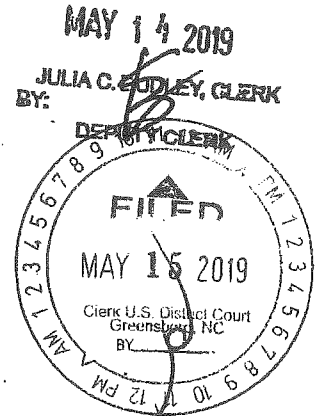
UNITED STATES DISTRICT COURT
for the
Western District of Virginia

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED

United States of America
v.

Brian David Hill
Defendant

Case No. 7:18-MJ-00149



ORDER SETTING CONDITIONS OF RELEASE

IT IS ORDERED that the defendant's release is subject to these conditions:

- (1) The defendant must not violate any federal, state or local law while on release.
- (2) The defendant must cooperate in the collection of a DNA sample if the collection is authorized by 42 U.S.C. § 14135a.
- (3) The defendant must immediately advise the court, defense counsel, and the U.S. attorney in writing before any change in address or telephone number.
- (4) The defendant must appear in court as required and must surrender to serve any sentence imposed

The defendant must appear at (if blank, to be notified)

Place

on

Date and Time

Release on Personal Recognizance or Unsecured Bond

IT IS FURTHER ORDERED that the defendant be released on condition that:

- (✓) (5) The defendant promises to appear in court as required and surrender to serve any sentence imposed.
- (✓) (6) The defendant executes an unsecured bond binding the defendant to pay to the United States the sum of Twenty thousand dollars and no cents dollars (\$ 20,000.00) in the event of a failure to appear as required or surrender to serve any sentence imposed.

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ADDITIONAL CONDITIONS OF RELEASE

Upon finding that release by one of the above methods will not by itself reasonably assure the defendant's appearance and the safety of other persons or the community, IT IS FURTHER ORDERED that the defendant's release is subject to the conditions marked below:

(☒) (7) The defendant is placed in the custody of:

Person or organization Roberta Hill

Address (only if above is an organization) _____

City and state Martinsville, VA

Tel. No. (only if above is an organization) _____

who agrees (a) to supervise the defendant in accordance with all of the conditions of release, (b) to use every effort to assure the defendant's appearance at all scheduled court proceedings, and (c) to notify the court immediately if the defendant violates any condition of release or disappears.

Signed: Roberta Hill
Custodian or Proxy

5/14/2019
Date

(☒) (8) The defendant must:

- BH RH (☒) (a) report to the USPO
telephone number (540) 857-5180, no later upon release
- BH RH (☒) (b) execute a bond or an agreement to forfeit upon failing to appear as required the following sum of money or designated property:
\$20K Unsecured
- (☐) (c) post with the court the following proof of ownership of the designated property, or the following amount or percentage of the above-described sum
- (☐) (d) maintain or actively seek employment.
- (☐) (e) maintain or commence an education program.
- BH RH (☐) (f) surrender any passport to: _____
- BH RH (☒) (g) abide by the following restrictions on personal association, place of abode, or travel:
remain in WDVA & not travel outside the WDVA without permission of the supervising officer
- (☐) (h) avoid all contact, directly or indirectly, with any person who is or may become a victim or potential witness in the investigation or prosecution, including but not limited to: co-defendants.
- (☐) (i) undergo medical or psychiatric treatment:
- (☐) (j) return to custody each (week) day at _____ o'clock after being released each (week) day at _____ o'clock for employment, schooling, or the following purpose(s): _____
- BH RH (☐) (k) maintain residence at a halfway house or community corrections center, as the pretrial services office or supervising officer considers necessary.
- BH RH (☒) (l) refrain from possessing a firearm, destructive device, or other dangerous weapons.
- BH RH (☐) (m) refrain from (☒) any (☐) excessive use of alcohol.
- BH RH (☒) (n) refrain from use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.
- BH RH (☒) (o) submit to any testing required by the pretrial services office or the supervising officer to determine whether the defendant is using a prohibited substance. Any testing may be used with random frequency and include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance testing or monitoring which is (are) required as a condition of release.
- BH RH (☒) (p) participate in a program of inpatient or outpatient substance abuse therapy and counseling if the pretrial services office or supervising officer considers it advisable.
- BH RH (☒) (q) participate in one of the following location monitoring program components and abide by its requirements as the pretrial services officer or supervising officer instructs.
- (☐) (i) Curfew. You are restricted to your residence every day (☒) from 7:00 pm to 8:00 am, or (☐) as directed by the pretrial services office or supervising officer; or
- (☐) (ii) Home Detention. You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities pre-approved by the pretrial services office or supervising officer; or
- (☐) (iii) Home Incarceration. You are restricted to 24-hour-a-day lock-down except for medical necessities and court appearances or other activities specifically approved by the court.
- (☐) (r) submit to location monitoring and abide by all of the program requirements and instructions provided by the pretrial services officer or supervising officer related to the proper operation of the technology.
- (☐) The defendant must pay all or part of the cost of the program based upon your ability to pay as the pretrial services office or supervising officer determines.
- BH RH (☒) (s) report as soon as possible, to the pretrial services office or supervising officer any contact with any law enforcement personnel, including, but not limited to, any arrest, questioning, or traffic stop.
- (☐) (t) follow the directions and instructions of the supervising officer
- BH RH (☒) (u) submit to warrantless search and seizure of person and property as directed by supervising officer.
- (☐) (v) not frequent places where controlled substances are illegally sold, used, distributed, or administered, and shall not associate with any persons engaged in criminal activity or associate with any person convicted of a felony, unless under the supervision of law enforcement
- BH RH (☒) (w) Defendant to be evaluated by the local community board for mental health treatment within 10 days of release. Defendant to execute a waiver giving USPO access to any and all treatment records.
- BH RH (☒) (x) Defendant may travel to the Middle District of North Carolina for court appearances.
- BH RH (☒) (y) Mother to be 3rd party custodian and co-sign on the Appearance Bond.

- (☐) (z)
(☐) (aa)
(☐) (bb)

DISTRIBUTION: COURT DEFENDANT PRETRIAL SERVICES U.S. ATTORNEY U.S. MARSHAL
Case 7:18-mj-00149-RSB Document 26 Filed 05/14/19 Page 2 of 3 PageID 105CA4 75

ADVICE OF PENALTIES AND SANCTIONS

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

Violating any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of your release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court and could result in imprisonment, a fine, or both.

While on release, if you commit a federal felony offense the punishment is an additional prison term of not more than ten years and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (i.e., in addition to) to any other sentence you receive.

It is a crime punishable by up to ten years in prison, and a \$250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim, or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more – you will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years – you will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony – you will be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor – you will be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender will be consecutive to any other sentence you receive. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of the Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and surrender to serve any sentence imposed. I am aware of the penalties and sanctions set forth above.

Kelly Brown
Deputy Clerk

Brian D. Hill
Defendant's Signature

Monticello, VA
City and State

Directions to the United States Marshal

- (☒) The defendant is ORDERED released after processing.
 () The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. If still in custody, the defendant must be produced before the appropriate judge at the time and place specified.

Date:

May 14, 2019

Robert S. Ballou
Judicial Officer's Signature

Robert S. Ballou, United States Magistrate Judge
Printed name and title

DISTRIBUTION: COURT DEFENDANT PRETRIAL SERVICE U.S. ATTORNEY U.S. MARSHAL

Joint Appendix 8

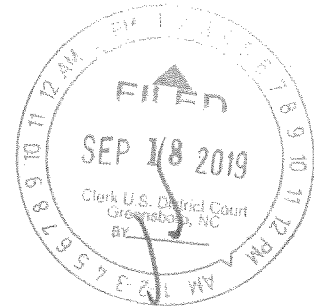
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MAKE AMERICA GREAT AGAIN



UNITED STATES DISTRICT COURT CASE NO. 1:13-CR-435-1
MIDDLE DISTRICT OF NORTH CAROLINA

Join Appendix in attachment to "PETITION FOR A WRIT OF MANDAMUS TO THE
UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH
CAROLINA AND MOTION FOR STAY OF DISTRICT COURT JUDGMENT
PENDING MANDAMUS OR UNTIL FINAL APPEAL MANDATE"



In the United States District Court
For the Middle District of North Carolina

Brian David Hill,
Defendant

v.

United States of America,
Plaintiff

)
)
)
)
) **Criminal Action No. 1:13-CR-435-1**
)
)
)
)
)

**DEFENDANT’S MOTION FOR STAY OF JUDGMENT PENDING
APPEAL AND ITS SUPPORTING MEMORANDUM OF LAW –
EMERGENCY MOTION**

NOW COMES the criminal Defendant Brian David Hill ("Brian D. Hill"), ("Defendant", "Brian", or "Hill"), by and through Brian David Hill who is acting Pro Se in this action before this Honorable Court in the Middle District of North Carolina, and hereby respectfully moves this Court for a stay of its September 12, 2019 Judgment ("judgment") and Order (Document No. 186) pending final appeal of this case. Hill also asks that the appearance bond conditions (Document No. 176, Attachment 3, Attachment 2) be reinstated for Hill’s supervised release pending final appeal. A "DECLARATION OF BRIAN DAVID HILL IN SUPPORT OF DEFENDANT’S MOTION FOR STAY OF JUDGMENT PENDING APPEAL AND ITS SUPPORTING MEMORANDUM OF LAW" is also filed with this motion in support of such motion. This is pursuant to Fed. R. App. P. 8; Loc. R. 8. See also Loc. R. 18 (stay pending consideration of petition for review). Also pursuant to Rule 38. Staying a Sentence or a Disability, of the Fed. Rules of Crim. Procedure.

In the alternative, Hill requests that this Court stay those portions of its decision ordering for Hill to voluntarily surrender to federal prison on December 6, 2019, and of the GPS location monitoring since Hill had been completely compliant with the appearance bond conditions that such portions be stayed until the final appeal of this case.

Both the Notice of Interlocutory Appeal (Document #187; "PRO SE NOTICE OF APPEAL (Interlocutory) by BRIAN DAVID HILL re 183 Order on Motion to Continue. (Entered: 09/12/2019)"), and Notice of Appeal (Document #190; "PRO SE NOTICE OF APPEAL without payment of fees by BRIAN DAVID HILL. (Entered: 09/12/2019)"), were transmitted to the U.S. Court of Appeals for the Fourth Circuit. See Document #191, *"Electronic Transmission of Notice of Appeal and Docket Sheet as to BRIAN DAVID HILL to US Court of Appeals re: 187 Notice of Appeal – Interlocutory and 190 Notice of Appeal Without Fee Payment. (Daniel, J) (Entered: 09/13/2019)"*.

Because the Defendant had filed a Notice of Interlocutory Appeal (Document No. 187) with the U.S. Probation Office in the federal courthouse in Winston-Salem around noon (12:00PM-12:30PM) since that courthouse has no manned clerk's office and was delivered to the CSO, and was noted before the hearing had begun, the Judgment on September 12th may had been a procedural due process error and an error of law regarding Hill's due process right to appeal a decision, the appeal should have been acted upon prior to commencement of such hearing. For this exact reason, the Defendant should be placed back on the appearance bond conditions (Document No. 176) that was set by the Western District of Virginia prior to the final appeal decision in this case. Brian had been compliant with the bond conditions and had attended all mental health appointments and was reportedly at the courthouse approximately two hours early. Brian poses no flight

risk and would be happy with the court reverting Brian's release conditions back to those conditions of his appearance bond before the erroneous judgment was made on September 12, 2019.

Brian had been documented (Document No. 86) as having Obsessive Compulsive Disorder ("OCD"), Type 1 brittle Diabetes and Generalized Anxiety Disorder. Brian also has eczema and being forced to wear an ankle monitor may exacerbate one or more medical conditions of Defendant on record.

The Hon. U.S. Magistrate Judge Robert S. Ballou under Document #176 and all attachments show that he approved of Defendant's bond conditions for the Supervised Release Revocation hearing, and that the "Government does not oppose bond" under Document #176-1 in the Middle District of North Carolina (Western District of Virginia Case #7:18-mj-00148, Document #21, Filed 05/14/19). He approved such bond conditions for Brian's release without requiring an excessive and harsh ankle monitor.

Analysis of "Rule 8. Stay or Injunction Pending Appeal; (a) Motion for Stay"

"(1) Initial Motion in the District Court. A party must ordinarily move first in the district court for the following relief: (A) a stay of the judgment or order of a district court pending appeal";

"(B) Approval of a bond or other security provided to obtain a stay of judgment"; or "(C) an order suspending, modifying, restoring, or granting an injunction while an appeal is pending."

There is a \$20,000 unsecured bond that was already posted in the Western District of Virginia, a bond with specific conditions has already been approved by the Court prior to the final revocation hearing which was appealed prior to the final revocation hearing (Notice of Interlocutory Appeal, Document #187) and was appealed right after the hearing (Notice of Appeal, Document #190), the Government in Roanoke did not object to the bond and conditions of that bond.

There is no good reason why the Defendant should not be placed back on the bond conditions and be relived of the ankle monitor (GPS location monitoring) as set forth by the Court prior to the appealed Judgment on September 12, 2019.

A bond or other security was already provided, and that appearance bond conditions would be reinstated if the Court of Appeals reverses the final judgment on September 12, 2019, by the Hon. Judge Thomas D. Schroeder.

Brian the Defendant prays for relief from the final judgment on September 12, 2019 from this court, pending appeal of the judgment that was made that day. God Bless America, god bless the good people in the U.S. District Court.

Respectfully filed with the Court, this the 17th day of September, 2019.

Respectfully submitted,

Brian D. Hill
Signed

Signed

Brian D. Hill (Pro Se)

310 Forest Street, Apartment 1

Martinsville, Virginia 24112

Phone #: (276) 790-3505

U.S.W.G.O.

Former U.S.W.G.O. Alternative News reporter

I stand with QANON/Donald-Trump – Drain the Swamp

Make America Great Again

CERTIFICATE OF SERVICE

Defendant hereby certifies that on September 17, 2019, service was made by mailing the original of the foregoing:

“DEFENDANT’S MOTION FOR STAY OF JUDGMENT PENDING APPEAL AND ITS SUPPORTING MEMORANDUM OF LAW –EMERGENCY MOTION”

by deposit in the United States Post Office, in an Priority Mail envelope, Postage prepaid, on September 17, 2019 addressed to the Clerk of the Court in the U.S. District Court, for the Middle District of North Carolina, 324 West Market Street, Suite 1, Greensboro, NC 27401.

It is under Certified Mail tracking number 7017-2680-0000-5750-9139

Then pursuant to 28 U.S.C. §1915(d), Defendant requests that the Clerk of the Court move to electronically file the foregoing using the CMIECF system which will send notification of such filing to the following parties to be served in this action:

Anand Prakash Ramaswamy U.S. Attorney Office Civil Case # 1:17 -cv-1036 101 South Edgeworth Street, 4th Floor, Greensboro, NC 27401 Anand.Ramaswamy@usdoj.gov	Angela Hewlett Miller U.S. Attorney Office Civil Case # 1: 17 -cv-1036 101 South Edgeworth Street, 4th Floor, Greensboro, NC 27401 angela.miller@usdoj.gov
---	--

This is pursuant to Defendant's "In forma Pauperis" ("IFP") status, 28 U.S.C. §1915(d) that "The officers of the court shall issue and serve all process, and perform all duties in such cases ... "the Clerk shall serve process via CM/ECF to serve process with all parties.

Date of signing: <u>September, 17, 2019</u>	Respectfully submitted, <u>Brian D. Hill</u> <i>Signed</i> Signed Brian D. Hill (Pro Se) 310 Forest Street, Apartment 1
--	--

	<p>Martinsville, Virginia 24112 Phone #: (276) 790-3505 U.S.W.G.O. I stand with QANON/Donald-Trump – Drain the Swamp Make America Great Again</p>
--	--

Qanon
Alliance/D.O.D
help me
S.O.S.

Joint Appendix 9

USWGO
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MAKE AMERICA GREAT AGAIN



UNITED STATES DISTRICT COURT CASE NO. 1:13-CR-435-1
MIDDLE DISTRICT OF NORTH CAROLINA

Join Appendix in attachment to "PETITION FOR A WRIT OF MANDAMUS TO THE
UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH
CAROLINA AND MOTION FOR STAY OF DISTRICT COURT JUDGMENT
PENDING MANDAMUS OR UNTIL FINAL APPEAL MANDATE"

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA)
)
 v.) 1:13CR435-1
)
BRIAN DAVID HILL)

JUDGMENT AND COMMITMENT
Supervised Release Violation Hearing

On August 9, 2019, a hearing was held on a charge that the Defendant had violated the terms and conditions of supervised release as set forth in the Court's Order filed July 24, 2015 and the Judgment filed November 12, 2014 in the above-entitled case, copies of which are attached hereto and incorporated by reference into this Judgment and Commitment.

The Defendant was represented by Renorda E. Pryor, Attorney.

The Defendant was found to have violated the terms and conditions of his supervised release. The violation(s) as follow were willful and without lawful excuse.

Violation 1. On September 21, 2018, the Defendant was arrested for the commission of a crime.

IT IS ORDERED that the Defendant's supervised release be revoked. The Court has considered the U.S. Sentencing Guidelines and the policy statements, which are advisory, and the Court has considered the applicable factors of 18 U.S.C. §§ 3553(a) and 3583(e).

IT IS ORDERED that the Defendant be committed to the custody

of the Bureau of Prisons for imprisonment for a period of ten (10) months.

IT IS FURTHER ORDERED that no additional term of supervision be imposed as to this Defendant.

IT IS RECOMMENDED that the Defendant be permitted to participate in any available drug treatment program and be designated to a facility as close as possible to his home in North Carolina.

The Defendant is remanded to the custody of the United States Marshal.

United States District Judge

_____, 2019.

**In the United States Court of Appeals
For the Fourth Circuit**

**In re BRIAN DAVID HILL, in
his individual capacity as former
news reporter of USWGO
Alternative News
Petitioner**

v.

**United States of America,
Respondent**

No. _____

[No. 1:13-CR-435-1]

**PETITION FOR A WRIT OF MANDAMUS TO THE UNITED STATES
DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH
CAROLINA AND MOTION FOR STAY OF DISTRICT COURT
JUDGMENT PENDING MANDAMUS OR UNTIL FINAL APPEAL
MANDATE**

Brian David Hill ("USWGO")

Pro Se Petitioner

(276) 790-3505
310 Forest Street, Apartment 1
Martinsville, Virginia 24112

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2019 OCT -2 PM 12:15
U.S. COURT OF APPEALS
FOURTH CIRCUIT

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INTRODUCTION AND SUMMARY OF ARGUMENT

In this extraordinary case, the U.S. Probation Office filed a charge under Document #157 against Petitioner alleging a violation of the Supervised Release conditions (JA 1). Due to ineffective assistance of Counsel Renorda Pryor, the Final Revocation hearing was scheduled for September 12, 2019, despite the ongoing Trial De Novo state appeal going on for the charge of indecent exposure as stated in JA 1. Then the court revoked the Supervised Release of Petitioner and entered an order for Judgment and Commitment, was appealed the same day as judgment but the district court has yet to file a Judgment and Commitment after over two weeks of waiting. This stalling may be an attempt to deprive Petitioner of procedural due process before demanding that he turn himself into Federal prison in order to usurp power of Petitioner's constitutional right to trial de novo and a speedy trial. JA stands for Joint Appendix.

Docket entry (JA 2) (pages 3-15 were omitted as it may not be relevant to the substantial issues raised in this petition) had stated that an oral order was entered on September 12, 2019, finding the Petitioner in violation of his Supervised Release conditions, to be ordered to the maximum imprisonment sentence as permitted by law, no evidence or witnesses was even considered in Petitioner's favor, and an Notice of Interlocutory Appeal was entered before the hearing for Final Revocation (JA 3) due to counsel being ineffective by being unable to file an extension or another continuance after the state Trial De Novo was rescheduled. The Interlocutory Appeal had explained not to have the Final Revocation hearing while the state appeal is still ongoing and that attempting to revoke the Supervised Release and imprison Petitioner while the state Trial-De-Novo case is still pending is an error of law as it is depriving Petitioner of the constitutional right of due

process, the right to a speedy trial, and the right to show the Revocation Court that he is actually innocent of Virginia Criminal Code § 18.2-37, a Class 1 Misdemeanor. Brian had filed a "DECLARATION entitled "June 21, 2019 Declaration of Brian David Hill in Opposition to Government's/Respondent's Documents #156, #157, and #158" filed by BRIAN DAVID HILL." (JA 4). Brian had forewarned the Court that he had case law from the Commonwealth/State of Virginia explaining that he may be actually innocent of the charge of indecent exposure under the issues of Carbon Monoxide Gas Poisoning and three case laws. In all three cases the convictions of indecent exposure were reversed when the conduct did not rise to being obscene, because "it does not rise to the level of obscenity required under Code § 18.2-387, as defined in Code§ 18.2-372." 1. Kimberly F. Neice v. Commonwealth of Virginia, Record No. 1477-09-3 in the Circuit Court of Giles County; 2. A.M. v. Commonwealth of Virginia, Record No. 1150-12-4 in the Circuit Court of Shenandoah County; 3. Kenneth Samuel Moses v. Commonwealth of Virginia, Record No. 0985-03-3 in the Circuit Court of Richmond. See pages 9-10 of Joint Appendix 4 (JA 4). It is clear that Brian cannot be convicted of indecent exposure unless he was being sexually aroused or intended to exhibit sexual misconduct which did not happen on the record. Nude beaches and nudism is not considered obscene. It is not sexual and nudity itself does not require a person to be sexual unless they are of the perverted mind.

Nudism/Nudity may be protected by the First Amendment and may not be subject to local obscenity laws or ordinances. The depiction of adults or children nude in the visual media or photographs has enjoyed constitutional protection in the United States since 1958, when the Supreme Court vacated a Court of Appeals finding that Sunshine & Health magazine could be obscene (Sunshine Book Co. v. Summerfield, Postmaster General, 355 U.S. 372). The right to depict adults or

children in innocent nude poses has been upheld without a pause for 41 years. In case after case, the Supreme Court and lower courts have always upheld the constitutionality of "nudity without more," specifically referring to the nudist depiction as a fully constitutional form of expression. The supposed violation was that Petitioner was only naked and took photos of himself naked that are not obscene.

It is clear that Brian David Hill Petitioner is legally innocent of indecent exposure and deserves the speedy trial right of Trial-De-Novo to prove his actual innocence in the Commonwealth/State of Virginia before the Federal Court should have made a decision on whether to revoke Petitioner's Supervised Release or continue his Supervised Release and not find the Petitioner in violation.

Actual innocence should not be punishable by any means including imprisonment (even through revocation) because it is cruel and unusual punishment under the Eighth Amendment of the United States Constitution, Bill of Rights.

Anyways, Petitioner had also, that same day, filed a Notice of Appeal (JA 5) after the Final Supervised Release Violation hearing and was timely filed on the same day as the oral judgment that was given. Counsel Renorda Pryor had delivered Petitioner's Notice of Appeal at his request and had been effective in that regard.

On September 20, 2019, the Court of Appeals had notified the U.S. District Court Clerk (JA 6) requesting that the Court notify them upon the entry of the written judgment. Petitioner was told by the Circuit Court Clerk's office that it was a reminder to the Court for the Judge to enter his written judgment.

As of September 29 or 30, 2019, no written judgment has been entered. This may or may not be an intentional delay of Petitioner's Appeal because the Honorable Judge Thomas D. Schroeder had ordered Brian David Hill to turn himself into the

Federal Prison Institution under the Federal Bureau of Prisons by December 6, 2019, giving the Petitioner little to no time to have a chance to prevail on Appeal before having to turn himself in to a Federal Prison facility. It is clear on the record that Petitioner had not violated his bond conditions (JA 7) as set forth by the Western District of Virginia for this case in the Middle District of North Carolina.

If the Honorable Thomas D. Schroeder may be intentionally delaying/stalling the entering of his written judgment to stall or obstruct Petitioner's ability to appeal his judgment to the Fourth Circuit Court of Appeals knowing that Petitioner will have to voluntarily surrender to a Federal Prison at a fixed date of December 6, 2019, knowing that Petitioner may prevail on Appeal, is obstruction/deprivation of Petitioner's procedural due process rights and violation of proper constitutional and judicial procedures to block an appeal at the district court level after being informed that Petitioner has only 14 days to file a timely Notice of Appeal. That Appeal was filed as timely as possible, right on the same day as the oral judgment.

Mandamus is a necessary safety valve in the extraordinary situation here, where a district court in the Middle District of North Carolina has insisted on usurping power and authority over jurisdiction in the state case of Commonwealth of Virginia v. Brian David Hill (Case no. CR19000009-00). The U.S. District Court has asserted that Petitioner is guilty of indecent exposure, ignored Petitioner's actual innocence arguments and claims, and is overpowering the State trial de novo before Petitioner can even be found legally innocent of indecent exposure which is actual innocence. Any reasonable jurists would recognize this usurpation as a cause for concern over usurping power to obstruct or interfere with a criminal Defendant's right to due process in the state court while Trial De Novo and any pending appeals is still ongoing. The Western District of Virginia had recognized that Brian David Hill had "the right to Trial De Novo", under the Hon. U.S.

Magistrate Judge Robert S. Ballou of Roanoke, VA. See Documents #3 and #5 of case United States v. Hill (7:18-mj-00149), Western District of Virginia.

Petitioner therefore respectfully asks that this Court exercise its supervisory authority to direct the district court to file it's written judgment of the oral order entered on September 12, 2019 to quickly open up the case for a timely direct appeal, because there is no other adequate means to obtain immediate appeal of the written order necessary to prosecute appeal for relief against the "Judgment and Commitment Order" demanding that Brian David Hill turn himself into Federal prison and usurp Petitioner's due process right to a speedy trial and right to Trial De Novo in his state case. The separation-of-powers and the Tenth Amendment of the United States Constitution gives states the right to have their own separate process of Government while holding the State Governmental authorities to the Constitution. A state criminal trial is given the same due process protections as with federal criminal trials. Unless the circumstances make it necessary and is constitutionally necessary, the Federal Court should not usurp power away from a criminal defendant to enjoy and exercise his right to a speedy trial, the right to appeal Trial De Novo, and the right to prove that he was legally innocent of indecent exposure before the Final Revocation hearing and issues of violation should be addressed thereafter to preserve Petitioner's entitled constitutional rights. There are no issues involving Petitioner's compliance with the federal and state bonds. Petitioner should not be compelled to turn himself into a Federal Prison until his state appeals had been exhausted and his timely Notice of Appeal for this Circuit Court to also be exhausted. That is why the direct appeal needs to be docketed, but the district court has not filed the written Judgment and it has been over two weeks since the bench verdict of the hearing on September 12, 2019.

Pursuant to 28 U.S.C. § 1651 and Federal Rule of Appellate Procedure 21, the Petitioner Brian David Hill of USWGO Alternative News respectfully requests that this Court issue a writ of mandamus directing the district court to enter an order requesting that the Hon. Judge Thomas D. Schroeder put in the written Judgment for Petitioner's appeal to finally be docketed and that request for relief can ensure due process protections for Petitioner. In addition, Petitioner respectfully requests that this Court promptly stay enforcement of the district court's oral Judgment until disposition of this petition or even after the mandate after disposition of Petitioner's timely filed appeal.

Pursuant to Federal and Local Rules of Appellate Procedure Rule 8(a)(2)(A)(i), Petitioner requests that the Court of Appeals consider Petitioner's motion for Stay of Judgment Pending Appeal (JA 8) since the "*moving first in the district court would be impracticable*" because Petitioner is still out on the release conditions as set forth by the Western District of Virginia and is also on State Bond conditions pending the final appeals of the state criminal case in the Martinsville Circuit Court in Virginia (Case no. CR19000009-00). The Hon. Judge Thomas D. Schroeder was made aware of Petitioner's state criminal appeal under Trial De Novo, but his Judgment of imprisonment interferes with Petitioner's speedy trial rights in the state court, wrongfully usurps power away from the state criminal court proceedings, and supersedes that Brian must surrender to Federal Prison to prevent him from timely filing any further appeals in his criminal case for the Commonwealth/State of Virginia when Trial De Novo and any higher appeals may be necessary in order for Petitioner to be found actually innocent (legally innocent) of his State charge of indecent exposure. Because the Federal Imprisonment order conflicts with the State appeal and Trial De Novo, this motion needs to be acted upon more quickly to protect Petitioner's right to dispose of his state case and all

pending appeals before having to turn himself into a Federal Prison or be afforded a new Final Revocation hearing upon prevailing on appeal.

A party seeking mandamus must demonstrate that it has a “clear and indisputable” right, there are “no other adequate means” of relief, and the writ is otherwise “appropriate under the circumstances.” *Cheney v. United States Dist. Court for D.C.*, 542 U.S. 367, 380-81 (2004).

If there is no time limit set for the Hon. Judge Thomas D. Schroeder to file his written judgment on the Supervised Release Violation of Petitioner, then Petitioner is blocked and deprived from appealing the decision of the United States District Court for the Middle District of North Carolina after filing a timely Notice of Appeal.

STATEMENT OF FACTS

In November 13, 2018, the U.S. Probation Office had filed a petition to revoke Petitioner’s Supervised Release over the allegation that Brian David Hill had engaged in criminal conduct that had violated the Virginia Code § 18.2-387 “Indecent exposure”, and had been arrested on September 21, 2018. To Petitioner’s knowledge, this is the first Supervised Release Violation that had been filed based upon an alleged technical violation of state law, even though the state court may rule that Petitioner is legally innocent of indecent exposure because his conduct was not obscene and was not sexual in nature. When this charge was filed, Petitioner had no knowledge of carbon monoxide gas poisoning until 2019. If carbon monoxide gas poisoning had anything to do with the alleged violation, then it further justifies that Petitioner had no intent to violate state law and the U.S. District Court should have investigated this issue before the revocation order.

The U.S. Probation Office had also filed Documents #156 and #158 on November 13, 2018.

Petitioner had filed a lot of Documents attempting to explain to the U.S. District Court why he was allegedly arrested for the state charge. Pro Se filings cumulatively under Documents #152, #153, #154, #155, #161, #162, #163, #164, #165, #169, #172, #173, #174, #178, #179, and #181. Those docket entries should be listed under Joint Appendix 2 of the case Docket report.

On July 22, 2019, Renorda Pryor, the counsel of Brian David Hill at the time, filed a Motion to Continue Revocation of Supervised Release Hearing and was granted by the district court a day later and was rescheduled to September 12, 2019.

Renorda had failed to file another Motion to Continue and neither a Motion to Extend the Time to file any motions relevant and necessary to the final hearing regarding "Revocation of Supervised Release". For the reasons she did not do so is unclear but deprives Petitioner of his constitutional due process right to a speedy trial in the state court, his right to Trial De Novo concerning the very charge that led to Petitioner's arrest which also triggered the Supervised Release Violation charge under Document #157 (JA 1).

Minute order was entered on September 12, 2019 hearing:

Minute Entry for proceedings held before CHIEF JUDGE THOMAS D. SCHROEDER in WS-2:FINAL HEARING RE REVOCATION OF SUPERVISED RELEASE as to BRIAN DAVID HILL held on 9/12/2019. AUSA Anand Ramaswamy present for the Government. Attorney Renorda Pryor present for the Defendant. Defendant present on bond. Defendant moves for a continuance. Government opposes the motion. Court DENIES motion. Defendant denies violation 1 of 157 Petition. Matter is contested (see Witness and Exhibit List) The Court finds the defendant in violation and Supervised Release is revoked. The defendant is REMANDED to the Bureau of Prisons for 9 months, followed by 9 years of Supervised Release (see Judgment and Commitment). Defendant

permitted to self-report directly to the institution designated by the BOP or to the USMS in Greensboro, NC by 12:00 PM on 12/6/2019. Defendant's Release Conditions modified to include GPS location monitoring to begin within 7 days and a curfew at the probation officer's discretion.(Court Reporter Briana Bell.) (Engle, Anita) Modified on 9/13/2019 to correct typographical error. (Engle, Anita) (Entered: 09/12/2019)

On September 12, 2019, Notice of Interlocutory Appeal was filed before the hearing had even begun to protect Petitioner's right to state Trial De Novo criminal proceedings, right to a Speedy trial, right to be found actually innocent to prevent cruel and unusual punishment, and any other due process rights prior to the Final Revocation hearing. Government objected to that Notice of Interlocutory Appeal and the hearing had begun while ignoring the Notice of Interlocutory Appeal to the Fourth Circuit to raise the substantial constitutional issues involving due process.

Renorda Pryor had also orally asked for a continuance but had failed because of the subpoenaed witnesses and the cost of having them appear at the hearing. That again was ineffective counsel as Renorda Pryor knew she should have asked for a continuance earlier than the actual hearing date of September 12, 2019.

Notice of Appeal had been filed after the hearing on the same day which explains why two Notice of Appeals had been docketed and filed on the same day.

The appeal that had been filed should have caused the written judgment to be filed shortly thereafter but the Court still has not and has been over two weeks. If any further weeks go by without the written judgment, then the district court may be attempting to block the appeal or control the ability to have the appeal docketed and may be a judicial activism by resistance to the Court of Appeals to prevent any favorable ruling that may impact the district court's decision on September 12, 2019.

ARGUMENT

An appellate court has the power under 28 U.S.C. § 1651(a) to issue a writ of mandamus directing the conduct of a district court where (1) the petitioner has a “clear and indisputable” right to relief; (2) there are “no other adequate means to attain the relief”; and (3) mandamus relief is otherwise “appropriate under the circumstances.” *Cheney v. United States Dist. Court for D.C.*, 542 U.S. 367, 380-81 (2004).

The district court should have quickly filed the Judgment and Commitment Order since the direct appeal may be the only available mechanism to overturn a wrongful judgment, a judgment that was based on any errors of law. The longer the district court does not enter a written judgement, the less of a chance at Petitioner can prevail on appeal before being imprisoned wrongfully and serving an invalid sentence because the district court will take its time in entering the very same written judgment ordering Petitioner’s imprisonment on September 12, 2019.

The district court cannot validly argue an excuse that it needed more time to prepare the Judgment and Commitment Order because a document had been filed on June 26, 2019 under Document #180, see Joint Appendix 9 (JA 9), before it was modified a day later. The original docket entry showed that the Hon. Judge Thomas D. Schroeder had originally planned to revoke Petitioner’s Supervised Release and order his imprisonment based on the hearing that would have taken place on August 9, 2019. The Court of Appeals should view the original filing on the record if the Court CM/ECF system has a revision history system where original documents can still be located despite any replaced documents or modified documents. The originally filed Document #180 on the record was likely a premeditated imprisonment order based on a future hearing that hadn’t even

happened yet. That alone may prove that the district court had planned to revoke his Supervised Release no matter what evidence or witnesses were offered and presented at the revocation hearing because the Judge had already made up his mind that Petitioner will go to Federal Prison no matter what. That is even more dangerous than usurping power away from the state trial court and Trial De Novo in the state court. This is constitutional structural defect and is very dangerous in a democratic republic type of Government. If the district court already had the time and energy to file a premeditated Document #180 ordering the imprisonment of Brian David Hill (Petitioner) based upon a future court hearing, why didn't they enter the Judgment and Commitment Order sooner than two or three weeks when the district court had ordered the imprisonment of Petitioner against his state appeal still pending before Martinsville Circuit Court over the very charge that triggered the Supervised Release Violation. If Petitioner is found actually innocent aka legally innocent of his state charge, then the Federal Court is willing to punish and imprison an innocent man once again while ignoring Petitioner's 2255 Motion (See Document #125 and #128 in the criminal case) that was filed since November, 2017. Petitioner is repeatedly being punished over and over again in a retaliation campaign against his claims of actual innocence. Petitioner's constitutional rights have been deprived so many times in the district court, Petitioner does not know what else to do except ask the media for help or asking attorneys to help him pro bono but to no avail because of the subject matter of his original criminal charge in Federal Court. People do not want to fight for a supposed "child pornographer" even if that person is actually innocent of that charge, because of the societal ramifications and reputation ramifications of helping somebody accused of such charge, it is unfair. All Petitioner has is his Pro Se filings and his court appointed counsels who also does not seem to care about his constitutional rights being deprived over and over again.

In short, only “exceptional circumstances amounting to a judicial ‘usurpation of power’” or a “clear abuse of discretion” will “justify the invocation of this extraordinary remedy.” *Id.* at 380; accord, e.g., *In re Catawba Indian Tribe of S.C.*, 973 F.2d 1133, 1136 (4th Cir. 1992). Although the standard for mandamus is, and should be, a high one, it is satisfied in the extraordinary circumstances presented here.

I. THIS COURT SHOULD ISSUE A WRIT OF MANDAMUS DIRECTING THE DISTRICT COURT TO ENTER ITS WRITTEN JUDGEMENT FOR IMMEDIATE APPELLATE REVIEW

If the Petitioner has a “clear and indisputable right” to appeal that was timely filed but the appeal is to be stalled indefinitely until the district court ever decides to file the written judgment, the other two elements for mandamus plainly are satisfied: There is “no other adequate means to attain the relief” of immediate appeal. *Cheney*, 542 U.S. at 380. And this is a manifestly “appropriate” circumstance for mandamus relief because proceeding to stall the appeal indefinitely “would threaten the separation of powers” and Tenth Amendment right between the state and the federal courts as well as threaten the due process rights of Petitioner.

Accordingly, the sole remaining question is whether the Petitioner has a “clear and indisputable right” to direct appeal of the district court when the appeal was timely filed but is indefinitely awaiting a written judgment, the “Judgment and Commitment Order”.

As demonstrated below, in these “exceptional circumstances,” he is entitled to mandamus to obtain that written judgment: although a district court has the ability and right to ensure that the written judgment is entered correctly and should exercise enough time reasonable to enter in a valid “Judgment and Commitment

Order” for the appeal to be docketed, if the court is stalling the entering of it’s written order then the court may be committing such a “clear abuse of discretion” that its stalling of a criminal appeal necessary for relief against any constitutional error of law for retention of jurisdiction in the Middle District of North Carolina indefinitely to prevent the appeal from proceeding amounts to “a judicial ‘usurpation of power.’”

Because the statutory “preconditions for § 1292(b) review” are indisputably satisfied in this case, which additionally “involves an important constitutional legal question” and “is of special consequence,” the district court “should not [have] hesitate[d] to file the written judgment to commence the timely appeal.”

The court’s refusal to file the written judgment as soon as possible after ordering imprisonment over a possibly actually innocent person but the state court has to confirm Petitioner’s actual innocence is such a clear abuse of discretion, error of law and is a usurpation of jurisdiction that it warrants an exercise of this Court’s mandamus authority.

CONCLUSION

This Court should issue a writ of mandamus directing the district court to immediately file the written judgment within a fixed time period concerning the oral Judgment on September 12, 2019 concerning the wrongful imprisonment of Petitioner and violating Petitioner’s right to direct appeal and Petitioner’s right to state Trial De Novo. Additionally, this Court should stay district court proceedings or judgments, pending resolution of this petition.

Respectfully filed with the Court, this the 30th day of September, 2019.

Respectfully submitted,

Brian D. Hill
Signed

Signed

Brian D. Hill (Pro Se)

310 Forest Street, Apartment 1

Martinsville, Virginia 24112

Phone #: (276) 790-3505

U.S.W.G.O.

Former U.S.W.G.O. Alternative News reporter

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Petitioner also requests with the Court that a copy of this pleading be served upon the Government as stated in 28 U.S.C. § 1915(d), that “The officers of the court shall issue and serve all process, and preform all duties in such cases. Witnesses shall attend as in other cases, and the same remedies shall be available as are provided for by law in other cases”. Petitioner requests that copies be served with the U.S. Attorney office of Greensboro, NC via CM/ECF Notice of Electronic Filing ("NEF") email, by facsimile if the Government consents, or upon U.S. Mail.

Thank You!

However the Petitioner will still serve copies of this pleading with the (1) U.S. Attorney Office of Greensboro, NC, the (2) U.S. District Court in Greensboro, NC to file with the Clerk of the Court to put on the record and then serve the paper copy with the trial judge the Hon. Thomas D. Schroeder.

CERTIFICATE OF SERVICE

Petitioner hereby certifies that on September 30, 2019, service was made by mailing the original of the foregoing:

“PETITION FOR A WRIT OF MANDAMUS TO THE UNITED STATES
DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

AND MOTION FOR STAY OF DISTRICT COURT JUDGMENT PENDING
MANDAMUS OR UNTIL FINAL APPEAL MANDATE”

by deposit in the United States Post Office, in an envelope (certified mail), Postage prepaid, on September 30, 2019 addressed to the Clerk of the Court in the United States Court of Appeals for the Fourth Circuit, 1100 East Main Street, Suite 501, Richmond, VA 23219.

Copy (1) of the original pleading has been served with the party of the United States of America through the United States Attorney office located at 101 South Edgeworth Street, 4th Floor, Greensboro, NC 27401. That shall satisfy requirement of service. Proof of service by stamped Certified Mail receipt shall serve as proof to satisfy the rules of the Court. Since Petitioner is indigent and does not have a lot of money to be printing too many copies of costly paper filings, Petitioner is serving a copy of this pleading on a CD-ROM with the entire pleading in PDF format. Cert. Mail tracking no. 7019-1120-0001-4751-4795

Copy (2) of the original pleading has been served with the Clerk of the United States District Court for the Middle District of North Carolina to request filing on the record and then serve the copy of the paper pleading with the trial judge the Honorable Thomas D. Schroeder. The Clerk's office is located at 324 West Market Street, Greensboro, NC 27401. That shall satisfy requirement of service. Proof of service by stamped Certified Mail receipt shall serve as proof to satisfy the rules of the Court. Cert. Mail tracking no. 7019-1120-0001-4751-4788

Then pursuant to 28 U.S.C. §1915(d), Petitioner requests that the Clerk of the Court move to electronically file the foregoing using the CM/ECF system which will send notification of such filing to the following parties to be served in this action:

Anand Prakash Ramaswamy U.S. Attorney Office 101 South Edgeworth Street, 4th Floor, Greensboro, NC 27401 Anand.Ramaswamy@usdoj.gov	Angela Hewlett Miller U.S. Attorney Office 101 South Edgeworth Street, 4th Floor, Greensboro, NC 27401 angela.miller@usdoj.gov
JOHN M. ALSUP U.S. Attorney Office 101 South Edgeworth Street, 4th Floor, Greensboro, NC 27401 john.alsup@usdoj.gov	

This is pursuant to Petitioner's "In forma Pauperis" ("IFP") status, 28 U.S.C. §1915(d) that "The officers of the court shall issue and serve all process, and perform all duties in such cases ... "the Clerk shall serve process via CM/ECF to serve process with all parties.

<p>Date of signing:</p> <p><u>September 30, 2019</u></p>	<p>Respectfully submitted,</p> <p><u>Brian D. Hill</u></p> <p><i>Signed</i> Signed</p> <p>Brian D. Hill (Pro Se)</p> <p>310 Forest Street, Apartment 1</p> <p>Martinsville, Virginia 24112</p> <p>Phone #: (276) 790-3505</p> <p>U.S.W.G.O.</p> <p>I stand with QANON/Donald-Trump – Drain the Swamp</p> <p>I ask Qanon and Donald John Trump for Assistance (S.O.S.)</p> <p>Make America Great Again</p> <p>JusticeForUSWGO.wordpress.com</p>
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UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
Effective 12/01/2016

No. _____ **Caption:** In re BRIAN DAVID HILL (Writ of Mandamus)

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(s) Brian D. Hill
Signed

Party Name Brian David Hill

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 Petitioner

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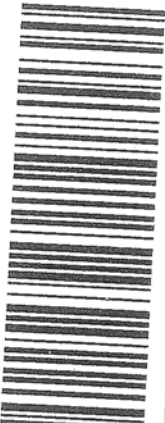


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FILED: October 3, 2019

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 19-2077
(1:13-cr-00435-TDS-1)

In re: BRIAN DAVID HILL

Petitioner

This case has been opened as an original proceeding in this court. The district court is receiving this notice for informational purposes.

Originating Court	United States District Court for the Middle District of North Carolina at Greensboro
Date Petition Filed:	10/02/2019
Petitioner(s)	Brian David Hill
Appellate Case Number	19-2077
Case Manager	Jeffrey S. Neal 804-916-2702

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

1100 East Main Street, Suite 501, Richmond, Virginia 23219

www.ca4.uscourts.gov

October 3, 2019

No. 19-2077
(1:13-cr-00435-TDS-1)

In re: BRIAN DAVID HILL

Petitioner

DOCKETING NOTICE - ORIGINAL PROCEEDINGS

This case has been placed on the court's docket under the above-referenced number, which should be used on papers subsequently filed in this court. No answer to the petition is required unless ordered by the court.

Counsel filing on behalf of a party must file an [Appearance of Counsel](#) form at the time of filing the petition. If this case arises from a civil matter, the parties must file a [Disclosure of Corporate Affiliations](#) form at the time of filing the petition, except that a disclosure form is **not** required from the United States, from indigent parties, or from state or local governments in pro se cases. Court forms are available as links from this notice and at the court's web site, www.ca4.uscourts.gov.

Parties are responsible for ensuring that social security numbers, juvenile names, dates of birth, and financial account numbers are redacted from any documents filed with the Court and that any sealed materials are filed in accordance with the enclosed [Memorandum on Sealed and Confidential Materials](#). Attorneys are required to file electronically in the Fourth Circuit. Information on obtaining an electronic filer account is available at www.ca4.uscourts.gov.

Jeffrey S. Neal, Deputy Clerk
804-916-2702

SEALED & CONFIDENTIAL MATERIALS

Internet Availability of Docket & Documents

Fourth Circuit case dockets and documents are available on the Internet via the Judiciary's PACER system (Public Access to Court Electronic Records). The Fourth Circuit docket is available on the Internet even if the district court docket was sealed. If a party's name was sealed in the district court, it should be replaced by "Under Seal" or a pseudonym on appeal.

Due to the electronic availability of court documents, the federal rules prohibit including certain personal data identifiers in court filings. In addition, parties should not include any data in their filings that they would not want on the Internet. Counsel should advise their clients on this subject so that an informed decision can be made. Responsibility rests with counsel and the parties, not with the clerk.

Documents filed by the parties in immigration and social security cases are not accessible over the Internet to the public. In immigration and social security cases, public Internet access is limited to the court's docket, orders, and opinions.

Federal Rules of Procedure

The federal rules of procedure require filers to redact any of the following personal data identifiers (PDIs) if included in court filings: (1) social security and tax ID numbers must be limited to last four digits; (2) minor children must be identified by their initials only; (3) dates of birth must show the year only; (4) financial account numbers must be limited to the last four digits only; and (5) home addresses in criminal cases must be limited to city and state only. The federal rules establish limited exceptions to these redaction requirements. See Fed. R. App. P. 25(a)(5); Fed. R. Civ. P. 5.2; Fed. R. Crim. P. 49.1; Fed. R. Bankr. P. 9037

Judicial Conference Privacy Policy

In addition, the judiciary's regulation on [Privacy Policy for Electronic Case Files](#) prohibits filers from including any of the following criminal documents in the public file: (1) unexecuted summonses or warrants; (2) bail or presentence reports; (3) statement of reasons in judgment of conviction; (4) juvenile records; (5) identifying information about jurors or potential jurors; (6) CJA financial affidavits; (7) ex parte requests to authorize CJA services and (8) any sealed documents, such as motions for downward departure for substantial assistance, plea agreements indicating cooperation, or victim statements.

Local Rule 25(c)

Local Rule 25(c) limits the sealing of documents by requiring that sealed record material be separated from unsealed material and placed in a sealed volume of the appendix and by requiring the filing of both sealed, highlighted versions and public, redacted versions of briefs and other documents.

Documents that were not sealed before the agency or district court will not be sealed in this court unless a motion to seal is filed and granted in this court.

Since the ECF events for sealed filings make the documents accessible only to the court, counsel must serve sealed documents on the other parties in paper form.

Sealed Volume of Appendix

If sealed record material needs to be included in the appendix, it must be placed in a **separate, sealed volume** of the appendix and filed with a certificate of confidentiality. In consolidated criminal cases in which presentence reports are being filed for multiple defendants, each presentence report must be placed in a separate, sealed volume served only on Government counsel and counsel for the defendant who is the subject of the report.

- Use ECF event-**SEALED APPENDIX** to file sealed electronic appendix volume(s). One sealed paper volume must be sent to the court. If the case is tentatively calendared for oral argument, 3 additional paper copies of the sealed appendix must be filed, with additional copies being ordered by the court if otherwise needed. Cover of sealed appendix volume must be marked SEALED, and paper copies must be placed in envelopes marked SEALED. Sealed volume must be served on other parties in paper form.
- Use ECF event-**Certificate of confidentiality** to identify authority for treating material as sealed and to identify who may have access to sealed material. A paper copy of the certificate of confidentiality must accompany the paper copy of the sealed appendix filed with the court.
- Use ECF event-**APPENDIX** to file public electronic appendix volumes(s). One public paper volume must be sent to the court. If the case is tentatively calendared for oral argument, 3 additional paper copies of the appendix must be filed, with additional copies being ordered by the court if otherwise needed. Paper copies of public volumes of appendix do not need to be served on other parties if they were served with public appendix in electronic form.

Sealed Version of Brief

If sealed material needs to be referenced in a brief, counsel must file both a **sealed, highlighted version** of the brief and a **public, redacted version** of the brief, as well as a certificate of confidentiality.

- Use ECF event-**SEALED BRIEF** to file sealed electronic version of brief in which sealed material has been highlighted. One sealed paper copy must be sent to the court. If the case is tentatively calendared for oral argument, 3 additional paper copies of sealed brief must be filed, with additional copies being ordered by the court if otherwise needed. Cover of sealed brief must be marked SEALED, and paper copies must be placed in envelopes marked SEALED. Sealed version must be served on other parties in paper form.
- Use ECF event-**Certificate of confidentiality** to identify authority for treating material as sealed and to identify who may have access to sealed material. A paper copy of certificate of confidentiality must accompany the paper copy of the sealed brief filed with the court.
- Use ECF event-**BRIEF** to file public electronic version of brief from which sealed material has been redacted. One paper copy must be sent to the court. If the case is tentatively calendared for oral argument, 3 additional paper copies of the brief must be filed, with additional copies being ordered by the court if otherwise needed. Paper copies of public brief do not need to be served on other parties.

Sealed Version of Motions and Other Documents

If sealed material needs to be referenced in a motion or other document, counsel must file both a **sealed, highlighted version** and a **public, redacted version**, as well as a certificate of confidentiality.

- Use ECF event-**SEALED DOCUMENT** to file sealed electronic version of document in which sealed material has been highlighted. First page of document must be marked SEALED. No paper copies need be filed, but other parties must be served in paper form.
- Use ECF event-**Certificate of confidentiality** to identify authority for treating material as sealed and to identify who may have access to sealed material.
- Use the appropriate ECF event (e.g., **MOTION** or **RESPONSE/ANSWER**) to file public electronic version of document from which sealed material has been redacted. No paper copies of public document are needed for filing or service.

Motions to Seal

Counsel should file a motion to seal if the material was not previously sealed by virtue of the Privacy Policy for Electronic Case Files, or by statute, rule, regulation, or order. Counsel should also file a motion to seal if it is necessary to seal the entire brief or motion and not possible to create a public, redacted version.

The motion to seal must appear on the public docket for five days; therefore, counsel must file both a **sealed, highlighted version** of the motion to seal (along with a certificate of confidentiality) and a **public, redacted version** of the motion to seal. The motion to seal must identify the document or portions thereof for which sealing is requested, the reasons why sealing is necessary, the reasons a less drastic alternative will not afford adequate protection, and the period of time for which sealing is required.

For further information on redacting information from filings, please see No. 19, [How do I redact items from pleadings?](#)

FILED: October 3, 2019

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 19-2077
(1:13-cr-00435-TDS-1)

In re: BRIAN DAVID HILL

Petitioner

O R D E R

The court grants petitioner leave to proceed in forma pauperis.

For the Court--By Direction

/s/ Patricia S. Connor, Clerk

JSN

TO: FOURTH CIRCUIT

Appeal No. 19-2077

MOTION TO SUGGEST MOOTNESS OF WRIT

1. After the original filing of the Writ of Mandamus by Petitioner(Hill), the Respondent (Judge of the District Court) signed an Order of Judgment dated October 4, 2019 which was filed October 7, 2019 (See District Court Docket No. 200, 1:13-cr-435 M.D. North Carolina).
2. As Respondent has complied with the court's duty concerning the filing of a judgment, that action has provided the relief sought and this Court of Appeals should now dismiss the Writ of Mandamus as moot and order that each party shall bear their own costs since Petitioner qualifies for IFP status and it was the action of the District Court which mooted the case.

Respectfully filed with the Court, this the 10th day of October, 2019.

Respectfully submitted,

Brian D. Hill

Signed

Signed

Brian D. Hill (Pro Se)

310 Forest Street, Apartment 1

Martinsville, Virginia 24112

Phone #: (276) 790-3505

U.S.W.G.O.

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U.S. COURT OF APPEALS
FOURTH CIRCUIT

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Petitioner also requests with the Court that a copy of this pleading be served upon the Government as stated in 28 U.S.C. § 1915(d), that "The officers of the court shall issue and serve all process, and preform all duties in such cases. Witnesses shall attend as in other cases, and the same remedies shall be available as are provided for by law in other cases". Petitioner requests that copies be served with the U.S. Attorney office of Greensboro, NC via CM/ECF Notice of Electronic Filing ("NEF") email, by facsimile if the Government consents, or upon U.S. Mail.

Thank You!

CERTIFICATE OF SERVICE

Petitioner hereby certifies that on October 10, 2019, service was made by mailing the original of the foregoing:

"MOTION TO SUGGEST MOOTNESS OF WRIT"

by deposit in the United States Post Office, in an envelope (certified mail), Postage prepaid, on October 10, 2019 addressed to the Clerk of the Court in the United States Court of Appeals for the Fourth Circuit, 1100 East Main Street, Suite 501, Richmond, VA 23219.

Then pursuant to 28 U.S.C. §1915(d), Petitioner requests that the Clerk of the Court move to electronically file the foregoing using the CM/ECF system which will send notification of such filing to the following parties to be served in this action:

Anand Prakash Ramaswamy U.S. Attorney Office 101 South Edgeworth Street, 4th Floor, Greensboro, NC 27401 Anand.Ramaswamy@usdoj.gov	Angela Hewlett Miller U.S. Attorney Office 101 South Edgeworth Street, 4th Floor, Greensboro, NC 27401 angela.miller@usdoj.gov
JOHN M. ALSUP	

U.S. Attorney Office
101 South Edgeworth Street, 4th
Floor, Greensboro, NC 27401
john.alsup@usdoj.gov

This is pursuant to Petitioner's "In forma Pauperis" ("IFP") status, 28 U.S.C. §1915(d) that "The officers of the court shall issue and serve all process, and perform all duties in such cases ... "the Clerk shall serve process via CM/ECF to serve process with all parties.

Date of signing:

October 10, 2019

Respectfully submitted,

Brian D. Hill
Signed

Signed

Brian D. Hill (Pro Se)

310 Forest Street, Apartment 1

Martinsville, Virginia 24112

Phone #: (276) 790-3505

U.S.W.G.O.

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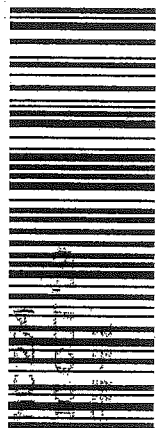


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U.S. Court of Appeals
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Richmond, VA 23219

U.S.W.G.O.

Brian D. Hill - Ally of QANON
310 Forest Street, Apt. 1
Martinsville, VA 24112

Brian D. Hill
Signed

20219-050826



FILED: October 17, 2019

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 19-2077
(1:13-cr-00435-TDS-1)

In re: BRIAN DAVID HILL

Petitioner

O R D E R

Upon consideration of the motion to voluntarily dismiss this case pursuant to Rule 42(b) of the Federal Rules of Appellate Procedure, the court grants the motion.

For the Court--By Direction

/s/ Patricia S. Connor, Clerk